

10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES

10.1.1 Further Report - No.24 (Lot 85) Loch Street, Dual Frontage Carrington Street, North Perth – Proposed Two-Storey Single House to Existing Single Dwelling

Ward:	Mount Hawthorn	Date:	3 July 2002
Precinct:	North Perth, P8	File Ref:	PRO1287 (00/33/1018)
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

FURTHER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the landowner L Cassidy for a two-storey single house to existing single dwelling on No. 24 (Lot 85) Loch Street, dual frontage Carrington Street, North Perth as shown on the plans stamp-dated 27 March 2002 and amended plans stamp-dated 28 June 2002, subject to:

- (i) prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window(s) to bed 2 and bed 3 on the southern elevation on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the window(s) shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (iii) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the proposed dwelling;*
- (iv) no part of the roof, including gutters (other than metal beams) shall be setback nearer than 500 millimetres from the eastern boundary, and any columns within this setback shall be constructed from brick and/or metal not more than 350 millimetres in width or breadth;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Carrington Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (vi) *a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the external wall height of the proposed single house being reduced to a maximum of 6.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies; and*
- (xiii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council, at its Ordinary Meeting held on 28 May 2002, received a report relating to a proposed two storey single house to the existing single dwelling on the subject property and deferred its consideration of the application at the request of the applicant.

The applicant has submitted amended plans such that the proposed lot boundaries of the single house correspond to the proposed subdivision boundaries.

The applicant has submitted the following additional information in support of the proposal:

"I attach the amendment that illustrates the necessity of shifting the open carport to one metre forward from the previous approval at 4.5 metre setback. The dwelling still has a setback of 5.98 metres.

The alteration is necessary due to the easement now created by the water authority to allow for a sewerage line between the dwellings. This sewerage line had to be created due to the neighbouring dwelling (26 Loch Street) having internal plumbing running through the rear of 24 Loch Street (lot 189)."

The following compliance table highlights the amendments to the deferred plans:

Requirements	Required	Previous	Proposed
Front Setback	6.0 metres	4.5 metres - carport 5.5 metres - porch/balcony 7.0 metres - main dwelling	3.5 metres - carport 4.5 metres - porch/balcony 5.998-6.0 metres - main dwelling
Carport width related to main dwelling	50 percent (maximum)	64 percent	64 percent
Wall height	6.0 metres maximum (for two storey development)	6.1 metres	6.1 metres
Eastern (carport) side setback	1.0 metre	nil	nil
Rear setback	4.0 metres	1.0 metre	1.64 metres

It is considered that the proposed variations to the previous plans deferred at the Ordinary Meeting of Council held on 28 May 2002 generally complies with the provisions of the Residential Planning Codes and the Town's Planning Policies. The comments contained in the report presented at the previous Council Meeting generally address those non-compliances contained in the table above. It is considered that the proposal (including the amended site plan) can be supported, subject to standard and appropriate conditions to address these matters.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 May 2002:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the landowner L Cassidy for a two-storey single house to existing single dwelling on No. 24 (Lot 85) Loch Street, dual frontage Carrington Street, North Perth as shown on the plans stamped 27 March 2002, subject to:

- (i) prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window(s) to bed 2 and bed 3 on the southern elevation on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the window(s) shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*

- (iii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the proposed dwelling;*
- (iv) *no part of the roof, including gutters (other than metal beams) shall be setback nearer than 500 millimetres from the eastern boundary, and any columns within this setback shall be constructed from brick and/or metal not more than 350 millimetres in width or breadth;*
- (v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Carrington Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) *a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the external wall height of the proposed single house being reduced to a maximum of 6.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies; and*
- (xiii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Ker, Seconded by Cr Hall

That Item 10.1.15 be recommitted to ensure that the applicant's request for deferral be considered.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.15

Moved by Cr Ker, Seconded by Cr Hall

That Item 10.1.15 be deferred at the request of the applicant.

CARRIED (9-0)

LANDOWNER: L Cassidy
 APPLICANT: L Cassidy
 ZONING: Metropolitan Region Scheme: Urban
 Town of Vincent Town Planning Scheme No.1: Residential
 R30/40
 EXISTING LAND USE: Single house

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	539 square metres (246 and 293 square metres proposed)

Requirements	Required	Proposed
Front Setback	6.0 metres	4.5 metres - carport 5.5 metres - porch/balcony 7.0 metres - main dwelling
Carport width related to main dwelling	50 percent (maximum)	64 percent
Wall height	6.0 metres maximum (for two storey development)	6.1 metres
Eastern (carport) side setback	1.0 metre	nil
Rear setback	4.0 metres	1.0 metre

SITE HISTORY:

- 11 November 1999 *The Western Australian Planning Commission (WAPC) granted conditional subdivision approval for the creation of a freehold lot fronting Carrington Street, which resulted in the retention of the existing single house.*
- 20 December 1999 *The Council at its Ordinary Meeting granted conditional Planning Approval for a two storey single house on the subject property.*
- 24 July 2001 *The Council at its Ordinary Meeting resolved to clear condition 6 of the WAPC's conditional subdivision approval having received a Statutory Declaration from the owner that the existing house will be retained, renovated and restored.*

DETAILS:

Approval is sought for a two-storey single house with a carport in the front setback area, fronting Carrington Street. The proposal is generally similar to the previous Planning Approval, however, the front setback has been increased from 3.0 metres to 4.5 metres to address condition (x) of the previous Planning Approval, which has now lapsed, and read as follows:

"(x) the carport shall be setback a minimum of 4.5 metres from Carrington Street."

There is also some modification to the shape and treatment of windows from the previous approval.

CONSULTATION/ADVERTISING:

No comments were received during the advertising period.

COMMENTS:

Front Setback

The Town's "Street Setbacks" Policy permits carport to be located within the front setback area provided its width is no more than 50 percent of the main dwelling. Clause 1.5.5 of the Residential Planning Codes (R-Codes) allows a carport to be constructed up to 4.5 metres of a primary street alignment.

This side of Carrington Street comprise dwellings which front Loch Street and generally no predominant setback has been established. A Planning Approval for a single storey house fronting Carrington Street at No. 28 Loch Street was approved by Council on 24 July 2001 with a 3.3 metres front boundary setback to the main dwelling. Given the size constraints of the block; the proportion of the proposed double carport width (6.18 metres) to the rear dwelling frontage width (9.69 metres); that the proposed dwelling is setback generally in excess of 7.0 metres from the front boundary; and having regard to the previous conditional Planning Approval on the site and on this side of the street, it is considered that the proposal will not adversely impact on the streetscape or amenity of the area.

The proposed portico/balcony within the front setback area is supported as it is an open structure, which does not unreasonably detract from the streetscape and will provide for passive casual surveillance of the street.

Rear Setback

The proposed rear boundary setback will be an internal boundary created by subdivision of the lot and the proposed dwelling will be single storey at this point. Given the size constraints of the block and having regard to the front boundary and streetscape requirements, it is considered that the variation will not unreasonably impact on the amenity of the adjoining property.

Eastern Side Setback

The proposed open carport is not considered to unreasonably impact on the amenity of the adjoining property.

Building Height

The proposed wall height from the ground to the eaves exceeds the wall height for two storey development as stipulated in the Town's "Building Scale" Policy. Accordingly, this should be conditioned to comply with the Town's Policy.

Overlooking

Openings to habitable rooms facing the adjacent properties and within 6 metres of the boundary should be conditioned to comply with the Towns 'Privacy' Policy. The Town's Policy does not differentiate between existing and future internal boundaries and the amenity and privacy of existing and future landowners should be protected.

Scheme Amendment No. 11

The Council resolved at its Ordinary Meeting held on the 26 February 2002 to initiate the rezoning of land contained in the Eton Locality from "Residential R30" and "Residential R30/40" to "Residential R20". The Town is currently seeking approval from the Western Australian Planning Commission for consent to advertise Amendment No.11. Notwithstanding this proposed scheme amendment, the application should be assessed in terms of the current requirements.

Summary

In light of the above, it is recommended that the development proposal be approved, subject to standard and appropriate conditions to address the above matters."

10.1.2 No. 89 (Lot 208) Alma Road, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling

Ward:	North Perth	Date:	27 June 2002
Precinct:	Norfolk, P10	File Ref:	PRO 2057 00/33/1106
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by V Carlino, on behalf of the owner, G Destefano, for proposed additional two-storey grouped dwelling to existing dwelling at No. 89 (Lot 208) Alma Road, North Perth, as shown on plans stamp dated 17 May 2002, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ii) compliance with all relevant Building, Engineering and Environmental Health requirements;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating;*
 - (a) that the store room to the existing house is accessible from the outside; and*
 - (b) a 1.5 metres minimum width pedestrian access/right of way (PAW) shall be provided within the subdivision being constructed and drained at the subdividers cost to the Town's specifications;*
- (iv) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (viii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to the right of way shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (x) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xi) *a two metres by two metres visual truncation being provided where the right of way intersects with the right of way; and*
- (xii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: G Destefano
APPLICANT: V Carlino
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Residential

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
- southern	6 metres	0 metre
- western	1.2 metres to laundry and bath 2 metres to kitchen and TV room	1 metre 1.4 metres
- northern	1.5 metres to garage	0 metre
Plot Ratio	0.5	0.58
Building Scale	7.0 metres to top of external wall (concealed roof)	7.1 metres
Use Class	grouped dwelling	
Use Classification	'P'	
Lot Area	605 square metres	

SITE HISTORY:

There is an existing single storey house and associated outbuildings on the subject lot.

DETAILS:

The proposal involves the addition of a two storey grouped dwelling to the existing dwelling on the lot. Vehicular access is proposed from the sealed right of way (ROW) which has been resumed and vested to the Town.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period.

COMMENTS:

Setbacks and Building Scale

Windows along western elevation are highlight windows to non-habitable rooms (bathroom and staircase), and therefore reducing the impact on the adjoining neighbours and complying with the Town's Policy relating to Privacy. The adjoining property has an existing parapet wall along approximately half of this wall. Therefore, as no objections have been received, the reduced setback to the western side boundary is supported.

The proposed single storey wall along the northern boundary is supported as it is located against the internal strata boundary between the new lot and the existing house and no objections have been received.

The proposed two-storey parapet wall on the southern elevation is adjacent to the ROW, therefore creating an adequate separation distance between the neighbour to the south and is not considered to have an adverse effect on the adjoining neighbours source of light or ventilation.

Building Scale

The proposed two-storey parapet wall does not comply with the Town's Policy relating to Building Scale as it exceeds the suggested maximum height for a two-storey wall with a concealed roof by 0.10 metre. The majority of the proposed grouped dwelling complies with this Policy, but due to the gradual slope on the land to this lowest point, approximately 0.5 metre of fill is required adjacent to the right of way. This variation for the two-storey parapet wall is not considered to adversely affect the amenity of the adjoining properties, primarily as the proposed wall is adjacent to the right of way, and is therefore supported.

The Town's Policy relating to Building Scale generally controls bulk and scale and the effect of the proposal on the streetscape. The proposed grouped dwelling is generally considered to improve the streetscape as it addresses the ROW with the balcony overlooking the ROW. Currently the streetscape of the ROW is dominated by garages and dilapidated rear fences. The proposed parapet wall is adjacent to the ROW and is not considered to adversely affect the adjoining properties, nor the streetscape. Due to the size of the lot and constraints including two frontages to rights of ways, and as no objections have been received, this variation is supported.

Plot Ratio

The proposed two-storey dwelling increases the plot ratio on the subject property such that it no longer complies with the plot ratio as specified by the Residential Planning Codes. The general intent of plot ratio is intended to control bulk and scale. However, this concession in plot ratio is supported, as the overall proposal is not considered to have an unreasonable adverse impact on the locality.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.3 No.2A (Lot 8) (Strata Lot 3) Hope Street, Corner Lake Street, Perth - Proposed Additional One (1) Two-Storey Grouped Dwelling to Two (2) Existing Grouped Dwellings

Ward:	North Perth	Date:	1 July 2002
Precinct:	Hyde Park, P12	File Ref:	PRO0818 00/33/1170
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Danmar Homes Pty Ltd on behalf of the owner K Aquino for the proposed additional one (1) two-storey grouped dwelling to two (2) existing grouped dwellings on No.2A (Lot 8) (Strata Lot 3) Hope Street, corner Lake Street, Perth and as shown on the plans stamp-dated 24 June 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Hope Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Hope Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) subject to first obtaining the consent of the owners of Nos.189-193 Lake Street, Perth and Nos.2-4 Hope Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the strata boundary (parapet) walls facing Nos.189-193 Lake Street, Perth and Nos.2-4 Hope Street, Perth in a good and clean condition; and*
- (vi) compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: K Aquino
APPLICANT: Danmar Homes Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Vacant

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	561 square metres

Requirements	Required	Proposed
Hope Street setback		
- ground floor	6.0 metres	3.008 metres
- first floor	6.0 metres	3.008 metres
Northern side setback		
- ground floor	1.0 metre	nil
Plot Ratio	0.55 (308.55 square metres)	0.60 (333.51 square metres)

SITE HISTORY:

9 June 1997 The Council at its Ordinary Meeting conditionally approved a similar proposal on the subject site.

4 December 2001 The Council at its Ordinary Meeting conditionally approved a similar proposal on the subject site.

DETAILS:

Approval is sought for the construction of an additional one (1) two-storey grouped dwelling to two (2) existing grouped dwellings. A small portion of the rear of the property abuts an unsealed private right of way.

CONSULTATION/ADVERTISING:

The application was not required to be advertised due to the minor amendments involved and the signatures of the owners of No.191 Lake Street having been obtained.

COMMENTS:

Hope Street Setback

The ground and first floor front setback concessions are considered supportable given the nature of the existing streetscape, and the garage being in line with the main dwelling, reducing the impact of the reduced front setback and the garage, and the shape and size of the lot. The two-storey terraced houses in the immediate vicinity have similar setbacks and all have their second storey at the similar setback as the ground floor. The incorporation of appropriate design features and the use of mixed materials and finishes further reduces the visual impact of the second storey setback.

Side Setbacks

The northern and eastern side setback variations to the proposed store and garage respectively, are considered supportable given the relatively short length and single storey nature of the walls, and hence not considered to have an unreasonable detrimental impact on the adjacent properties.

Plot Ratio

The plot ratio is considered supportable given the minor nature of the concession and the proposed bulk and scale is not considered to have an unreasonable impact on the adjacent properties or existing streetscape.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.4 Nos. 41, 43 and 47 (Lots 1, 71 and Part Lot Y71) Smith Street, Highgate
- Alterations and Additions to Fencing at Existing Grouped Dwelling**

Ward:	North Perth	Date:	27 June 2002
Precinct:	Forrest, P14	File Ref:	PRO 1395 00/33/1132
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Allen on behalf of the owners G Allen and Westland Securities for proposed Alterations and Additions to Fencing to Existing Grouped Dwelling at Nos. 41, 43 and 47 (Lots 1, 71 and Part Lot Y71) Smith Street, Highgate, as shown on the plans stamp dated 10 May 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iii) a two (2) metres by two (2) metres visual truncation being provided where the crossover intersects with the footpath;*
- (iv) a road and verge security bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application; and*
- (vii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: G Allen and Westland Securities
APPLICANT: G Allen
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Grouped Dwelling

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	“P”
Lot Area	1632 square metres

Requirements	Required	Proposed
Front Fence	Solid up to 1.2 metres, 50 percent visual permeability to a height of 1.8 metres	Solid to a height of 1.99 metres for a portion of the fence being used for letterboxes and a Western Power isolation switch.

SITE HISTORY:

An application for alterations and additions to existing three grouped dwellings and additional thirteen multiple dwellings, currently under construction, was granted conditional approval at the Ordinary Meeting of Council held on 22 March 2002.

DETAILS:

There are three existing grouped dwellings on the property. The proposed fence will be constructed to one existing grouped dwelling to complement the existing fences of the other two existing grouped dwellings.

The proposal comprises a solid retaining wall/fence of up to 0.94 metre and timber infill slats of 0.94 metre from the ground level. The total height of the proposed fence (including piers) is 1.99 metres. A solid portion of the front fence (1.96 metres x 2.55 metres) will house letterboxes and a Western Power isolation switch. The majority of the proposal, except for the solid portion of the fence, complies with the Town's Policy relating to Street Walls and Fences

CONSULTATION/ADVERTISING:

No advertising was required as the application is being referred to Council for consideration and determination.

COMMENTS:

It is recommended that the proposal be approved as it generally complies with the intent of the Town's Policy relating to Street Walls and Fences. The solid portion of the fence is considered supportable as it will house letterboxes and a Western Power isolation switch and as such is not considered to unreasonably adversely affect the amenity and streetscape of the area.

10.1.5 No.46 (Lot 100) Money Street, Perth - Proposed Patio Additions to Existing Single House

Ward:	North Perth	Date:	1 July 2002
Precinct:	Beaufort, P13	File Ref:	PRO 1893 00/33/1162
Reporting Officer(s):	M Hansen		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner J McLeod for proposed patio additions to existing single house at No. 46 (Lot 100) Money Street, Perth and as shown on plans stamp dated 8 May 2002 and 30 May 2002, subject to;

- (i) a road and verge security bond and /or bank guarantee of \$220 shall be lodged prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing.*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (iii) compliance with all relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: J McLeod
APPLICANT: J McLeod
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential 80
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	486 square metres

Requirements	Required	Proposed
Open Space	50 percent	34 percent
North Eastern Side Setback	1.5 metres	1.0 metre

SITE HISTORY:

The subject site is occupied by an existing single house. The single house is flanked by residential properties and vacant land.

DETAILS:

Approval is sought for patio additions to the existing single house. The proposal will reduce the open space from 48 per cent to 34 per cent.

CONSULTATION/ADVERTISING:

As a result of the advertising procedure, no comments or objections were received from the affected adjoining neighbours.

COMMENTS:

The variation to the north eastern side setback requirement is considered acceptable as the variation is relatively minor in nature, will not unduly adversely affect the amenity of the area, and no objections were received from the affected adjacent properties.

Furthermore, the single house is not provided with what would be termed as traditional open space. Given the site's inner urban location, its proximity to a number of parks and the growing trend for smaller maintenance-free areas of open space, the variation is considered acceptable.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.6 No.21 (Lot 24) Chelmsford Road, Mount Lawley - Proposed Additions and Alterations to Existing Single House

Ward:	North Perth	Date:	2 July 2002
Precinct:	Norfolk, P10	File Ref:	PRO2065 00/33/1125
Reporting Officer(s):	M Hansen		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owners MP & KJ Skeffington for proposed additions and alterations to the existing single house at No. 21 (Lot 24) Chelmsford Road, Mount Lawley and as shown on plans stamp dated 5 April 2002, subject to;*

(a) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*

(b) *compliance with all relevant Building, Engineering and Environmental Health requirements; and*

(ii) *the Council authorises the Chief Executive Officer to remove the Planning Notices which have been served on the subject property upon issuing of a valid Planning Approval;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: MP & KJ Skeffington
APPLICANT: MP & KJ Skeffington
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential 40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House	
Use Classification	"P"	
Lot Area	453 square metres	
Requirements	Required	Proposed
Western Side Setback	1.5 metres	1.2 metres
Eastern Side Setback	1.5 metres	1.3 metres

SITE HISTORY:

December 2001 A site inspection by one of the Town's Planning and Building Services Officers indicated that illegal works had been carried out.

- 5 April 2002 An application for a Building Licence was received by the Town for the illegal works. This was unable to be assessed because the Local Government (Miscellaneous Provisions) Act 1960 does not allow for retrospective building approval.
- 10 May 2002 Planning and Building Notices were served on the owners of the property for construction of the illegal works.
- 30 May 2002 The Building Notice was appealed to the Department of Local Government and the Minister shall determine the matter in due course. Furthermore, an application was made for retrospective Planning Approval.

DETAILS:

Approval is sought for additions and alterations to the existing single house.

CONSULTATION/ADVERTISING:

As a result of the advertising procedure, no comments or objections were received from the affected adjoining neighbours.

COMMENTS:

The owners of the property have indicated that the illegal works were completed in 1996 and at the time they believed that all relevant approvals had been obtained. Since this time, the builder who carried out the works, has passed away and the owners of the property also discovered that there was no approval from the Town for the subject works.

The variations to the western and eastern side setback requirements are considered acceptable as the variations are relatively minor in nature, will not adversely affect the amenity of the area, and no objections were received from the affected adjacent neighbours.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.7 No.56 (Lot 7) Galwey Street, Leederville - Proposed Additions, Alterations and Loft to Existing Single House

Ward:	Mount Hawthorn	Date:	2 July 2002
Precinct:	Leederville, P3	File Ref:	PRO0264 & PRO2070 00/33/1140
Reporting Officer(s):	M Hansen		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owners EW Barrett-Lennard & KR Standen for proposed additions, alterations and loft to existing single house at No. 56 (Lot 7) Galwey Street, Leederville and as shown on plans stamp dated 5 June 2002, subject to;*

(a) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

(b) *compliance with all relevant Building, Engineering and Environmental Health requirements; and*

(c) *the loft shall not be used for industrial, commercial or habitable purposes; and*

(ii) *the Council authorises the Chief Executive Officer to remove the Planning Notices which have been served on the subject property upon issuing of a valid Planning Approval;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: EW Barrett-Lennard & KR Standen
APPLICANT: EW Barrett-Lennard & KR Standen
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 – Residential 30
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House	
Use Classification	"P"	
Lot Area	607 square metres	
Requirements	Required	Proposed
Western Side Setback	1.0 metre	500 millimetres

SITE HISTORY:

- 22 March 2002 'As Constructed' plans were received by the Town in relation to an expired Building Licence issued on 31 December 1998 and an Amended Building Licence issued on 29 December 1999. This was unable to be assessed because the Local Government (Miscellaneous Provisions) Act 1960 does not allow for retrospective building approval.
- 9 May 2002 A site inspection by one of the Town's Planning and Building Services Officers confirmed that illegal works had been carried out.
- 10 May 2002 Planning and Building Notices were served on the owners of the property for construction of the illegal works.
- 13 June 2002 The Building Notice was appealed to the Department of Local Government and the Minister shall determine the matter in due course. Furthermore, an application was made for retrospective Planning Approval.

DETAILS:

Approval is sought for additions, alterations and loft to the existing single house.

CONSULTATION/ADVERTISING:

The applicant for this proposal has provided comments from the adjoining neighbours. The neighbours have indicated that they do not object to the proposed additions, alterations and loft to existing single house.

COMMENTS:

The owners of the property have indicated that the illegal works were completed as a part of the amended Building Licence issued on 29 December 1999 and were unaware the works could not be approved as an amendment to the original approval.

The variation to the western side setback requirement is considered acceptable as the variation is relatively minor in nature, will not unduly adversely affect the amenity of the area, and no objections were received from the affected adjacent neighbours.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.8 No.24 (Lot 27) Clieveden Street, Corner Hunter Street, North Perth - Proposed Single Storey Additions, Alterations and Carport to Existing Single House

Ward:	Mount Hawthorn	Date:	27 June 2002
Precinct:	North Perth, P8	File Ref:	PR02091 00/33/1177
Reporting Officer(s):	S Ward		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Harding on behalf of the owners R and P Hardy for the proposed single storey additions, alterations and carport to the existing single house on No. 24 (Lot 27) Clieveden Street, corner Hunter Street, North Perth and as shown on the plans received 20 May 2002, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town indicating the deletion of the proposed carport;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fence and gate adjacent to Clieveden Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) a road and verge security bond and/or bank guarantee of \$880 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to existing Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing; and*
- (iv) compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: R and P Hardy
APPLICANT: R Hardy
ZONING: Metropolitan Region Scheme – Urban
Town of Vincent Town Planning Scheme No. 1 – Residential
R30/40
EXISTING LANDUSE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Carport		
Front -	6 metres	600 millimetres
Eastern side -	1.0 metre	600 millimetres
Dwelling		
Eastern -	1.5 metres	900 millimetres
Use Class	Single House	
Use Classification	'P'	
Lot Area	491 square metres	

SITE HISTORY:

The property currently accommodates a single storey brick and pitched tiled roof dwelling fronting Clieveden Street with a garage with access from the Hunter Street alignment.

DETAILS:

An application has been received to construct single storey additions and alterations to the existing single house with a carport located within the front setback area of Clieveden Street.

There are similar carport structures within the immediate area with access via Clieveden Street; however, these properties do not have an alternative vehicular access.

In support of the application, the applicant has submitted the following information. A summary of the letter is as follows:

- a) There are similar carport structures within the immediate area;
- b) Adjoining properties have garages from Hunter Street despite having alternative access via a right of way;
- c) Relocation of the existing garage from the rear of the property will lower the noise disturbance to adjoining neighbours;
- d) The existing garage is too narrow and quite a distance from the existing dwelling;
- e) There is insufficient room to the rear of the property for a suitable carport;
- f) Reversing from the existing garage onto Hunter Street is a risk to local children;
- g) The visual amenity of the streetscape will not be adversely affected;
- h) The proposed alterations and additions will enhance the Clieveden Street alignment; and
- i) No objections from the adjoining landowners.

A comprehensive submission in support of the proposal has been submitted by the applicant and is 'Laid on the Table'.

CONSULTATION/ADVERTISING:

The applicant has submitted confirmation from the adjoining landowners that they have no objection to the proposed additions.

COMMENTS:

Carport

The Town's Policies on Street Setbacks only permits carports within the front street setback area, where no alternative location exists, provided its width is not more than 50 percent of the front elevation width of the existing dwelling as visible from the street. The proposed carport is within the street setback; however, access to the rear of the property for parking purposes is available via Hunter Street to the existing garage on this particular site. Furthermore, the proposed carport covers approximately 60 per cent of the front elevation of the existing dwelling and will therefore dominate the streetscape view of the development on-site, and is considered to unreasonably adversely affect the amenity and streetscape of the area. The applicant has advised the Town that they are prepared to alter the proposed carport width to comply with 50 percent front elevation width requirement.

Side Setbacks

The variations to the side setbacks to the proposed additions to the main dwelling are considered relatively minor and are acceptable in the context of the location of the site and amenity of the area, and no objections from the neighbours.

Front Fence

The front fence within the Clieveden Street alignment should be reduced in height to comply with the Town's Policy relating to Front Fences and Screen Walls to reduce its visual impact on the streetscape and amenity of the area. The applicant has advised that Town that they are prepared to alter the proposed front fence to comply with the Town's Policy relating to Front Fences.

Summary

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.9 Shop 3, Nos. 347-349 (Lot 2) William Street, Corner Forbes Road, Perth
- Proposed Additions and Alterations to Existing Eating House,
Including Increased Public Area**

Ward:	North Ward	Date:	26 June 2002
Precinct:	Beaufort, P13	File Ref:	PRO 1703 00/33/1171
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by S Ooi on behalf of the owner, Unison Pty Ltd, for proposed additions and alterations to existing eating house, including increased public area, at Shop 3, Nos. 347-349 (Lot 2) William Street, corner Forbes Road, Perth as shown on plans stamp dated 1 May 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of at least one unisex toilet for people with disabilities; and*
- (ii) the public floor area shall be limited to a maximum of 68.5 square metres;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Unison Pty Ltd
APPLICANT: S Ooi
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Commercial
EXISTING LAND USE: Eating House

COMPLIANCE:

Requirements	
Use Class	Eating House
Use Classification	"P"
Lot Area	2350 square metres

Carparking for Proposed Increase in Public Floor Area:

Car parking requirement (nearest whole number)	117 car bays
Apply the adjustment factors - 0.8 (within 800 metres of rail station) - 0.85 (within 400 metres of a bus stop) - 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)	(0.578)
Minus the car parking provided on site	39
Minus the most recent approved on site car parking shortfall	74
Resultant shortfall	45 car bays (surplus)

SITE HISTORY:

29 May 2001 Conditional Planning Approval granted under delegated authority for a change of use from Shop to Eating House and Associated Alterations.

11 June 2002 Conditional Planning Approval granted subject to various conditions including:

"(iii) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$5780 for the equivalent value of 2.31 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2001/2002 Budget;"

The car parking calculation was based on the shop in isolation of the adjoining businesses on the same lot. When the shortfall calculation is determined over the whole site, there is adequate car parking provided on site.

DETAILS:

This proposal involves the expansion of the public floor area of the eating house from 49 square metres to 68.5 square metres, by reducing the size of the kitchen.

CONSULTATION/ADVERTISING:

The current application was not referred to neighbours for comment as a similar application has been considered within the past 12 months. No comments were received during the previous consultation period.

COMMENTS:

The proposed increase in public floor area is approximately 19.7 square metres. When the adjustment factors are taken into account there is a resultant surplus of car bays, hence there is no need to impose a condition relating to a cash-in-lieu contribution.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions.

10.1.10 No. 591 (Lot 1) William Street, Corner of Monmouth Street and Wasley Street, Mount Lawley - Proposed Alterations and Additions to Existing Two-Storey Dwelling and Shop

Ward:	North Perth	Date:	28 June 2002
Precinct:	Norfolk, P10	File Ref:	PRO 2036 00/33/1082
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners D and L Tran, for proposed alterations and additions to existing two-storey dwelling and shop at No. 591 (Lot 1) William Street, corner Monmouth Street and Wasley Street, Mount Lawley, as shown on plans stamp dated 3 May 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (iii) the new shop front is to comply with the requirements of the Town's Local Law relating to Verandahs and Awnings Over Streets and the Town's Draft Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: D and L Tran
APPLICANT: D and L Tran
ZONING: Residential R60
EXISTING LAND USE: Single House and Shop

COMPLIANCE:

Requirements	Required	Existing	Proposed
Open Space	50 per cent	18 per cent	18 per cent

Requirements	Required	Proposed
Setback - to William Street	6 metres from the Primary Street, for two storey additions.	0 metre to balcony of second floor.
- Wasley Street	6.5 metres for two storey wall	0 metre - extension of existing parapet wall

Use Class	Single House, Shop
Use Classification	'P', 'SA'
Lot Area	364 square metres

SITE HISTORY:

The subject two storey dwelling and shop is not included on the Municipal Heritage Inventory or the Interim Heritage Data Base. The original corner shop, while retaining a portion of its existing parapet, has undergone substantial alterations in the past.

DETAILS:

The proposal involves the addition of a bedroom, bathroom and balcony to the existing house, above the existing shop. The proposal will significantly alter the appearance of the building from William Street by the extension of the existing parapet wall along Wasley Street and addition of a balcony facing William Street, on top of the traditional single storey corner shop.

The proposal also involves the replacement of the awning over the William Street verge, and security roller shutters over the shop windows.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period.

COMMENTS:

The proposed second storey additions to the dwelling are directly above the existing shop with a zero setback to William Street. The proposal also involves the extension of the existing parapet wall on the secondary street (Wasley Street).

It is considered that the proposed additions and alterations to the existing corner shop will detract from the original form and presence of the corner shop. However, consideration for the limited authenticity of the shop and the continued use of the site for mixed commercial and residential purposes is considered to be acceptable in the context of the proposed redevelopment.

The proposal also involves the addition of security roller shutters on shop windows addressing William Street. No specifications have been provided, however a solid covering over these windows is considered to be undesirable. It is considered appropriate to require that these roller shutters are visually permeable, with a minimum 50 per cent visual permeability when viewed from the street and be designed as an integral part of the design of the building to comply with the Town's Draft Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings.

The awning generally complies with the requirements of the Town's Local Law relating to Verandahs and Awnings Over Streets.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.11 Nos. 67-69 (Lot 35) Scarborough Beach Road, Corner Loftus Street, North Perth - Proposed Alterations and Additions to Shop and Associated Ancillary Office and Storage Warehouse

Ward:	Mount Hawthorn	Date:	2 July 2002
Precinct:	Smith's Lake Precinct, P6	File Ref:	PRO1073 00/33/1038
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Di Virgilio on behalf of the owners L Giorgella and Espresso Italia Pty Ltd for the proposed alterations and additions to shop and associated ancillary office and storage warehouse at Nos. 67-69 (Lot 35) Scarborough Beach Road, corner Loftus Street, North Perth as shown on the plans stamp dated 11 April 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the storage warehouse and office components of the development shall remain ancillary and incidental to the predominant use of the building as a shop;*
- (iii) the gross floor area shall be limited to a maximum of 180 square metres for the shop component, the gross floor area shall be limited to a maximum of 235 square metres for the ancillary warehouse component and 50 square metres of gross floor area for the ancillary office component, of the development;*
- (iv) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to 'Parking and Access' and Australian Standards AS2890.1 – "Off Street Parking". Parking bay 6 should be extended into the adjacent spare short bay and converted to a disabled parking bay;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) the activities and facades at the ground floor level along Scarborough Beach Road shall maintain an active and interactive frontage with Scarborough Beach Road;*
- (viii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (x) *a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of any Building Licence, as required, and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: L Giorgella & Espresso Italia Pty Ltd
APPLICANT: L Di Virgilio
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Local Centre
EXISTING LAND USE: Vacant Chemist

COMPLIANCE:

Use Class	Shop
Use Classification	"P"
Lot Area	862 square metres

Car Parking:

Car parking requirement (nearest whole number): <ul style="list-style-type: none">▪ Shop-12 bays;▪ Warehouse-4 bays;▪ Office-1 bay.	17 carbays
Apply the adjustment factors: <ul style="list-style-type: none">▪ 0.85 (within 400 metres of a bus stop)	(0.85)
	14.45 carbays
Minus the car parking provided on site.	15 carbays
Minus the most recently approved on site car parking shortfall.	nil
Resultant shortfall/surplus	0.55 car bay surplus

DETAILS:

The site is located on Scarborough Beach Road at the intersection with Loftus Street. The application seeks retrospective approval for alterations and additions to existing shop and associated ancillary storage warehouse and office components. Car parking will be provided to the rear of the existing building with access from Loftus Street and a Town owned and sealed right-of-way.

ADVERTISING/CONSULTATION:

No comments were received during the advertising period.

COMMENTS:

Carparking

The development requires 17 carparking bays, which after applying the Town's carparking adjustment factor of 0.85, results in a carparking requirement of 15 bays. The proposal provides 15 bays on site, which generally complies with the carparking requirement as specified in the Town's Policy relating to "Parking and Access".

The proposal is considered to complement the surrounding land uses which exist within the immediate locality. Accordingly, it is recommended that the proposed application be approved, subject to standard and appropriate conditions to address the above matters and the scale and nature of such developments.

10.1.12 No.33 (Lot 501) Norfolk Street, Corner Forrest Street, North Perth – Proposed Two-Storey Single House

Ward:	North Perth	Date:	27 June 2002
Precinct:	Norfolk, P10	File Ref:	PRO2077 00/33/1149
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	Y Scheidegger , R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by Matthews Architecture on behalf of the owner T Woodruff for a two storey single house at No.33 (Lot 501) Norfolk Street, Corner Forrest Street, North Perth, and as shown on the plans stamp dated 12 and 19 June 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fence and gate adjacent to Norfolk Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of two tandem car parking bays; and*

- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom one (1) and bedroom two (2) on the first floor on the western elevation shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level and open in the direction as shown on the approved plans dated 19 June 2002. A permanent obscure material does not include a self adhesive material or other material that is easily removed.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: T Woodruff
APPLICANT: Matthews Architecture
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single house
Use Classification	"P"
Lot Area	198 square metres

Requirements	Required	Proposed
Front setback	6.0 metres	Ground floor 3.0 metres First floor 3.0 metres

SITE HISTORY:

An application for proposed additional two storey single house to existing dwelling was granted conditional Planning Approval at the Ordinary Meeting of Council held on 14 August 2001. Condition (ii) of the Planning Approval dated 22 August 2001 states as follows:

- "(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed single house having a minimum Norfolk Street boundary setback of 4.0 metres at the first floor level;"*

CONSULTATION/ADVERTISING:

No advertising was required for this proposal as a previous application has been advertised within the last 12 months. Signed plans were received from adjoining landowners, in particular a letter of non-objection to the proposed direction of opening of the proposed windows to the first floor on the western elevation.

DETAILS:

Approval is sought for a two-storey single house. The proposal is similar to the previously approved application and includes changes to the window openings and internal modifications and seeks reconsideration of condition (ii) above.

COMMENTS:

Norfolk Street Setback

A previous condition of approval was for the first floor to be setback 4.0 metres from Norfolk Street. This current application proposes both the ground floor and first floor to be setback to 3.0 metres and is considered acceptable.

The Town generally requires the first floor to be setback to a minimum of 6.0 metres to a primary street and 2.5 metres to a secondary street. It is proposed for the first floor to be setback at 3.0 metres from Norfolk Street, which can be considered as the secondary street in this case and as such complies with the Town's Policy relating to Street Setbacks.

Privacy

The direction of opening of the proposed windows to the first floor on the west elevation is supported as this generally meets the intention of the Town's Policy relating to Privacy, as it prevents unreasonable overlooking to the adjacent property and is supported by the adjoining property owner.

The proposed balcony complies with the R-Codes, having a side boundary setback of 3.75 metres. The Town's Policy relating to Privacy provides for a setback of 6 metres from the common boundary, however, given the additional width of the right-of-way between the boundaries of adjoining properties, it is considered that the intention of this Policy is met.

Summary

The proposal is supportable as is not considered to unreasonably adversely affect the amenity of the adjacent properties or the existing streetscape. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.13 No.2 (Lot 24) (Strata Lot 3) Keats Lane Street, Mount Hawthorn - Proposed Additional One (1) Two-Storey Grouped Dwelling to Two (2) Existing Grouped Dwellings

Ward:	Mount Hawthorn	Date:	1 July 2002
Precinct:	Leederville, P3	File Ref:	PRO2048 00/33/1095
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D & E McCormack on behalf of the owner D McCormack for the proposed additional one (1) two-storey grouped dwelling to two (2) existing grouped dwellings on No.2 (Lot 24) (Strata Lot 3) Keats Lane, Mount Hawthorn and as shown on the plans stamp-dated 13 May 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Keats Lane shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western side of the balcony accessible from the retreat on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the study on the northern elevation and retreat on the western elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*

- (vi) *subject to first obtaining the consent of the owners of Nos.17-19 Harrow Street, Mount Hawthorn for entry onto their land the owners of the subject land shall finish and maintain the surface of the strata boundary (parapet) walls facing Nos.17-19 Harrow Street, Mount Hawthorn in a good and clean condition;*
- (vii) *any existing boundary walls that are stipulated as common or party walls on the approved strata plan are not to be demolished;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant; and*
- (xi) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: D McCormack
APPLICANT: D & E McCormack
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Vacant

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	855 square metres

Requirements	Required	Proposed
Keats Lane Street setback	6.0 metres	1.0 metre
Eastern side		
- ground floor	1.0 metre	nil
- first floor	1.2 metres	nil
Western side setback		
- first floor	1.2 metres	1.0 metre

SITE HISTORY:

There is currently a brick garage on the site.

DETAILS:

Approval is sought for the construction of an additional one (1) two-storey grouped dwelling to two (2) existing grouped dwellings.

CONSULTATION/ADVERTISING:

There was one comment received in relation to concerns that boundary walls may be demolished.

COMMENTS:

Keats Lane Setback

The proposed setback is considered supportable given the configuration of the lot, the narrowness of Keats Lane and there is not considered to be an unreasonable adverse impact on the existing streetscape.

Side Setbacks

The ground and first floor eastern side parapets are considered supportable given there were no objections received, the relatively short length of the parapet, the reduced side setback on the adjacent property and there is not considered to be an unreasonable adverse impact on adjacent properties.

The first floor western side setback is considered supportable given the minor variation being sought and there is not considered to be an unreasonable adverse impact on adjacent properties.

Overlooking

There is considered to be potential for unreasonable overlooking from the balcony and retreat on the western elevation and from the study on the northern elevation. As such, appropriate screening conditions should be applied.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.14 No.163 (Lot 13) Loftus Street, Corner Galwey Street, Leederville - Proposed Construction of Three (3) Two-Storey Grouped Dwellings

Ward:	Mount Hawthorn	Date:	27 June 2002
Precinct:	Leederville, P3	File Ref:	PRO1939 00/33/1118
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by F Ghalilli on behalf of the owner K Khosravi for the proposed construction of three (3) two-storey grouped dwellings on No.163 (Lot 13) Loftus Street, corner Galwey Street, Leederville and as shown on the plans stamp-dated 23 May 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Loftus Street and Galwey Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) a road and verge security bond and /or bank guarantee of \$880 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Loftus Street and Galwey Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedrooms 2 and 3 of Unit 2 and bedroom 3 of Unit 3 on the northern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*

- (vi) *subject to first obtaining the consent of the owners of No.165 Loftus Street, Leederville for entry onto their land the owners of the subject land shall finish and maintain the surface of the strata boundary (parapet) walls facing No.165 Loftus Street, Leederville in a good and clean condition;*
- (vii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (viii) *prior to the first occupation of the development, the full length and width of the right of way from Galwey Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (ix) *a right of way security bond and/or bank guarantee for \$2160 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (x) *provision of a visual truncation of 2 metres x 2 metres at all junctions of driveways and property boundaries except the northern boundary;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant; and*
- (xiv) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	K Khosravi
APPLICANT:	F Ghalilli
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
EXISTING LAND USE:	Single House

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	534 square metres

Requirements	Required	Proposed
Galwey Street Setback	6.0 metres	1.5 metres
Northern side setback -Unit 1 garage	1.0 metre	nil
Courtyard Area	24.0 square metres (minimum dimension 4.0 metres)	Unit 1 - 25.0 square metres (minimum dimension 3.0 metres)
Plot Ratio	0.55	0.62

SITE HISTORY:

26 February 2002 The Council at its Ordinary Meeting resolved not to support the three lot freehold subdivision on the subject site.

26 March 2002 The Council at its Ordinary Meeting conditionally approved demolition of the existing dwelling and refused the development of three (3) two-storey grouped dwellings.

DETAILS:

Approval is sought for the construction of three (3) two-storey grouped dwellings. An unsealed private right of way runs along the western boundary of the subject property.

CONSULTATION/ADVERTISING:

Two letters of objection and a 30 signature petition were received during the advertising period. The main concerns were in relation to the number of dwellings proposed, the amount of open space provided, privacy, overlooking, parapet wall to Unit 1 obstructing line of sight while reversing and creation of a crossover along Loftus Street.

COMMENTS:

Galwey Street

The Residential Planning Codes (R-Codes) allow a secondary street setback to be reduced up to 1.5 metres and as such the proposed setback is considered supportable.

Side Setbacks

The ground floor northern side parapet is considered supportable given the relatively short length, its single storey nature and is not considered to have an unreasonable adverse impact on the adjacent property.

Courtyard Area

The concession sought to the minimum dimension for the courtyard area is considered supportable given the total area complies with the R-Code requirements and the area is considered functional and useable.

Plot Ratio

The plot ratio is considered supportable given the minor nature of the concession and the proposed bulk and scale is not considered to have an unreasonable impact on the adjacent properties or existing streetscape.

Overlooking

There is considered to be potential for unreasonable overlooking from bedrooms two and three of Unit 2 and bedroom 3 of Unit 3 on the first floor northern elevation. As such, an appropriate screening condition should be applied.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.15 No.210 (Lot 99) Stirling Street, Perth - Proposed Three-Storey Mixed Use Development (1 X Office, 2 X Multiple Dwellings)

Ward:	North Perth	Date:	3 July 2002
Precinct:	Beaufort, P13	File Ref:	PRO2052 00/33/1100
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Miller on behalf of the owners L and N Di Iorio and S and G Romano for the proposed three-storey mixed use development (1 x office, 2 x multiple dwellings) on No.210 (Lot 99) Stirling Street, Perth and as shown on the plans stamp-dated 15 May 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) subject to first obtaining the consent of the owners of Nos.206 and 216 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos.206 and 216 Stirling Street in a good and clean condition;*
- (iii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Stirling Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Stirling Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (vii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

 - (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
 - (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (viii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (ix) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (x) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xi) *the proposed office shall maintain an active and interactive frontage with Stirling Street;*
- (xii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xiii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 3 on the northern elevation on the first and second floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xiv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern side of the balcony accessible from the sitting room and dining room on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

- (xv) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (xvi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant; and*
- (xvii) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: L and N Di Iorio and S and G Romano
APPLICANT: J Miller
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential/Commercial R80
EXISTING LAND USE: Vacant

COMPLIANCE:

Use Class	Office Building/Multiple Dwelling
Use Classification	"AA, P"
Lot Area	392 square metres

Requirements	Required	Proposed
Stirling Street Setback	6.0 metres	nil
Northern side		
- ground floor	1.5 metres	nil
- first floor	2.5 metres	nil
- second floor	3.5 metres	nil
Southern side		
- ground floor	1.5 metres	nil
- first floor	2.5 metres	nil
- second floor	3.5 metres	nil
Total Open Space	60 percent	30 percent
Communal Open Space	20 percent	nil
Building Height	10.0 metres	10.4 metres
Trees	1 tree to be provided for every four car bays provided	nil
Carparking	Residential - 4 car bays Office - 3.49 car bays Total - 7.49 car bays	6 car bays

Car Parking:

Office car parking requirement	3.49 car bays
Apply the adjustment factors	(0.52)
<ul style="list-style-type: none">▪ 0.85 (within 800 metres of a rail station)▪ 0.85 (within 400metres of a bus stop)▪ 0.90 (within 400 metres of public car park with in excess of 25 car bays)▪ 0.80 (45 percent of gross floor area is residential)	1.81 car bays
Minus the car parking provided on site	2 car bays
Minus the most recently approved on site car parking shortfall	nil

SITE HISTORY:

The subject site is currently vacant. There is a privately owned sealed right of way that runs along the rear of the property.

CONSULTATION/ADVERTISING:

No comments were received during the advertising period.

DETAILS:

Approval is sought for the construction of a three-storey mixed use development consisting of one office and two multiple dwellings.

COMMENTS:

Stirling Street Setback

The proposed nil setback to Stirling Street is considered supportable given the reduced setbacks of buildings in the immediate vicinity and the openness and interaction a reduced setback achieves.

Total Open Space and Communal Open Space

The concession to total open space is considered supportable, given the useable and functional private balconies to the front and rear of the multiple dwellings and the proximity to public open space.

Bulk and Scale

The proposed variation to the total height of the building is considered minor in nature, is not considered to have an unreasonable adverse effect on the amenity of the area and as such is considered supportable. The existing streetscape consists of an eclectic mix of bulk and scale.

Trees

The concession to the provision of tree planting is considered supportable given the constraints of the site and the provision of two substantial existing verge trees.

Car Parking

The car parking complies with the Town's requirements once the adjustment factors have been applied. As such the carparking provision is supported.

Overlooking

There is considered to be potential for unreasonable overlooking from the balcony and bedroom 3 windows on the northern elevation on the first and second floor and as such an appropriate screening condition should be applied.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.16 No.189 (Lot 33) Brisbane Street, Perth - Change Of Use From Shop (Agency Use Only) and Caretaker's Residence to Shop and Caretaker's Residence - Reconsideration of Condition of Planning Approval

Ward:	North Perth	Date:	26 June 2002
Precinct:	Hyde Park, P12	File Ref:	PRO0260 00/33/1128
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme and the Metropolitan Region Scheme, the Council APPROVES the application submitted by X H Nguyen on behalf of the landowners N L Banh for a change of use from shop (agency use only) and caretakers residence to shop and caretaker's residence at No.189 (Lot 33) Brisbane Street, Perth and as shown on plans dated 28 May 2002, subject to:-

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the shop area shall be limited to a maximum area of 65 square metres;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (iv) those doors and windows fronting Brisbane Street are to maintain an active and interactive relationship to the street;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: N L Banh
APPLICANT: X H Nguyen
ZONING: Metropolitan Region Scheme - Urban
Town of Vincent Town Planning Scheme - Residential R80
EXISTING LAND USE: Caretaker's Residence and Travel Agency

COMPLIANCE:

Requirements	Required	Proposed
Car Parking	Shop - 4.3 bays Caretaker's Residence - 1 bay	Nil
Use Class	Caretaker's Residence; Shop	
Use Classification	'P'; 'AA'	
Lot Area	304 square metres	

Car Parking (non-residential):

Car parking requirement (nearest whole number)* ▪ Shop 1 bay per 15 square metres gross floor area (65.6 square metres)	4.3 bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (development contains a mix of uses, minimum 45 per cent residential)	(0.68) 2.92 car bays
Minus the car parking provided on site *	Nil
Minus the most recently approved on site car parking shortfall	2.85 bays
Resultant shortfall	0.07 bay

*1 car bay required for the residential component of this development has been deducted from the car parking requirement and car parking provided on site figures.

SITE HISTORY:

The subject property is located on the southern boundary of Brisbane Street approximately 40 metres south east of the intersection of Brisbane and Lake Streets. Uses immediately adjoining the property are characterised by single residential dwellings to the south and east, a shop to the west and a lodging house to the north. Surrounding landuses include a mix of residential and commercial uses.

The Council at its Ordinary Meeting held on 28 July 1997 granted approval in principle for a change of use from club to shop and caretaker's residence following the Minister for Planning's approval of the development on 14 October 1997. The application was approved subject to, inter alia, :-

"(ii) *the shop use shall be restricted to an agency use only and shall not include the retail sale of displayed products;*"

DETAILS:

Approval is sought to increase the shop area of the premises from 48 square metres to 65 square metres for a wedding co-ordinator and designer, with the remainder as a caretaker's residence. In support of the application, the applicants have submitted the following:

"The premises will be as hire of bridal gowns and suits..... This premises has two parking bays, approved by the Council. This premises was previously used as a travel agency. "

COMMENTS:

Use

The proposed use of the premises as a shop and caretaker's residence is considered supportable in this area. Whilst the protection of the amenity of nearby residents remains a concern in terms of the likely 'spillover' of non-residential traffic into the residential area, the area has evolved over a period of years into a transition zone between the Northbridge entertainment area and the inner-city suburban areas. As such, there would appear to be a perception and ambient acceptance by residents in this area, given that no objections have been received, that non-residential uses are likely to occur and that they can coexist with residential uses.

Car Parking

Whilst the proposal results in a slight increase in the provision of on-site parking, it is not considered that this will have a significant impact on the amenity of the surrounding area given the nature and low intensity of the use and that the site exists without parking provision.

Given the above, it is recommended that the application be approved, subject to standard and appropriate conditions to reflect the matters discussed above.

10.1.17 No.102 (Lot 248) Egina Street, Mount Hawthorn - Proposed Carport Addition to Existing Single House

Ward:	Mount Hawthorn	Date:	25 June 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PR02085 00/33/1161
Reporting Officer(s):	S Ward		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) non compliance with the Town's Policy relating to Street Setbacks as the carport is not designed in such a manner that the carport forms part of the existing dwelling, nor is it compatible with the dwelling in terms of the design, profile and finishes used;*

the Council REFUSES the application dated 23 May 2002 submitted by Westral Home Improvements on behalf of the owner L Willis, for the proposed carport addition to the existing single house at No. 102 (Lot 248) Egina Street, Mount Hawthorn as shown on the plans dated 24 May 2002.

LANDOWNER: L Willis
APPLICANT: Westral Home Improvements
ZONING: Metropolitan Region Scheme – Urban
Town of Vincent Town Planning Scheme No. 1 – Residential R30
EXISTING LANDUSE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Front -	6 metres	4 metres
Northern side -	1.5 metres	1 metre
Use Class	Single House	
Use Classification	'P'	
Lot Area	491 square metres	

SITE HISTORY:

The property currently accommodates a single storey brick and pitched tiled roof house. There is no alternative vehicular access to the property.

DETAILS:

An application has been received to construct a flat roofed metal carport located within the front street setback area.

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period.

COMMENTS:

The Town's Policy relating to Street Setbacks states that *"all carports are to be designed in such a manner that the carport forms part of the existing dwelling"*. The amended Policy relating to Street Setbacks currently being applied, also states that carports *"are to be compatible with the nearest dwelling on site in terms of the design, profile and finishes used"*. The carport does not comply with these requirements as the structure comprises metal columns and a flat metal roof.

The side setback variation of the proposed carport is considered relatively minor and is acceptable in the context of the nature of development in the immediate area, and no objection received from the neighbour.

In light of the above, it is recommended that the proposal be refused.

10.1.18 No. 113 (Lot 207) Matlock Street, Corner Killarney Street, Mount Hawthorn - Proposed Two-Storey Single House to Existing Dwelling

Ward:	Mount Hawthorn	Date:	28 June 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 2049 00/33/1096
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the density, car parking and setback requirements of the Residential Planning Codes (R-Codes);*

the Council REFUSES the application stamp dated 14 May 2002 submitted by J-Corp Pty Ltd T/A Perceptions on behalf of the owner, E Ferrau, for the proposed two-storey single house to existing dwelling at No. 113 (Lot 207) Matlock Street, Corner Killarney Street, Mount Hawthorn.

LANDOWNER: E Ferrau
APPLICANT: J-Corp Pty Ltd T/A Perceptions
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Residential R 30
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Density	two green title lots (minimum lot size 270 square metres) or one strata subdivision lot	2 green title lots, with one lot 231 square metres and the existing house on a 406 square metre lot
Setbacks - eastern	1 metre	0 metre
Car Parking	2 car parking bays per lot	existing house does not have car parking bays indicated

Use Class	Single House
Use Classification	'P'
Lot Area	637 square metres

SITE HISTORY:

The subject dwelling is not included on the Municipal Heritage Inventory or the Interim Heritage Data Base. The existing house is not considered have characteristics worthy of granting a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1. (TPS No.1)

DETAILS:

The subject lot has adequate area to potentially be subdivided into two freehold lots. Due to the location of the existing house, the proposed freehold lot at the rear of the existing house does not meet the minimum lot size required by the Residential Planning Codes (R-Codes). The applicant intends to lodge a subdivision application with the Western Australian Planning Commission and is seeking the Town's support to allow a density bonus for a second dwelling to be built. By supporting this density bonus, the existing house can be retained.

In support of the proposal, the applicant has provided the following statement:

"It is our intention to seek approval for a green title development on the above Property and we ask for your consideration on the following matters:

- *Minimum Lot Size*
- *Front Set Back Requirement*

The original lots size of 638 square metres is sufficient to qualify for green title subdivision, but due to the position of the existing residence on the block, the proposed 'New' lot area is limited to 231 square metres. We acknowledge that this falls short of the 270 square metre minimum, however due to the high quality of the existing residence and our desire to retain what we believe is a dwelling with notable original character, we ask that you consider an increase in the allowable density in this instance.

We refer you to your planning document labelled Division 1 No 20.2B which states that the council may grant an increase in the permitted dwelling density by up to 50% if the proposed development conserves or enhances an existing dwelling or existing dwelling worthy or retention. We also refer you to your policy N32 which states 'front setbacks for new residential buildings are to conform to the adjoining existing houses'. In order to reinforce the character of the streetscape and to address the traditional relationship of buildings to the street."

CONSULTATION/ADVERTISING:

No comments were received during the consultation period.

COMMENTS:

Privacy

To protect neighbours privacy, it is recommended that the windows to bedroom 2 are to be screened in accordance with the Town's Policy relating to Privacy, should the application be approved.

Setback

The zero metre setback proposed on the eastern setback for the garage is considered acceptable as the adjacent property is under the same ownership.

Car Parking

The plans do not show the proposed location for car parking for the existing house. It is recommended that revised plans be received showing the location of the car parking area should the application be approved.

Density

The applicant has advised that they intend to apply for a freehold subdivision and are seeking the Town's approval for a single dwelling on the freehold lot which does not meet the minimum lot size requirement of the R-Codes, prior to the assessment of the subdivision.

The proposal generally complies, or could be conditioned to comply with the requirements of the R-Codes and the Town's Policies. However, in this instance, it is not considered appropriate to support the proposal as the existing house is not considered to have features of heritage significance worthy of granting a density bonus in accordance with Clause 20, Special Application of the Residential Planning Codes, of TPS No. 1. Should the Council support the proposal, the proposed lot would not comply with the minimum lot size as required by the R-Codes.

Accordingly it is recommended that the proposal be refused.

10.1.19 No.173 (Lot 4) Vincent Street, West Perth - Proposed Construction of Five (5) Three-Storey Grouped Dwellings

Ward:	North Perth	Date:	2 July 2002
Precinct:	Hyde Park, P12	File Ref:	PRO2041 (00/33/1088)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular;

- (i) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the height, bulk and scale of and overlooking from the proposed new development;*
- (ii) the non-compliance with the plot ratio, setback and private open space requirements of the Residential Planning Codes;*
- (iii) non-compliance with the Town's Policies relating to Street Setbacks, Building Scale, Privacy and the Monastery Locality; and*
- (iv) consideration of the objections received;*

the Council REFUSES the application dated 8 April 2002 submitted by R Torre on behalf of the landowners P Muscara and R Torre for the construction of five (5) three-storey grouped dwellings at No.173 (Lot 4) Vincent Street, West Perth and as shown on plans dated 12 June 2002.

LANDOWNER: P Muscara and R Torre
APPLICANT: R Torre
ZONING: Metropolitan Region Scheme: Urban
Town of Vincent Town Planning Scheme No.1:
Residential R80
EXISTING LAND USE: Single house

COMPLIANCE:

Requirements	Required	Proposed
Setbacks -		
Vincent Street	6.0 metres	3.0 - 6.4 metres
West (1st flr)	1.2 - 3.0 metres	1.5 metres
East (1st flr)	3.5 metres	3.0 metres
(2nd flr)	6.2 metres	3.0 - 4.5 metres
South (to ROW)		
(grd flr)	1.0 metre	Nil *
(1st flr)	1.2 metres	Nil *
(2nd flr)	1.5 metres	Nil *

Plot Ratio	0.55:1 (523 square metres)	0.76:1 (722.2 square metres)
Private Open Space	24 square metres courtyard; minimum dimension of 4 metres	30 square metres; 3.4 metres minimum dimension and obstructed by overhang
Use Class	Grouped Dwellings	
Use Classification	'P'	
Lot Area	951 square metres	

* Clause 1.5.8 (d) states that "where a lot adjoins a right of way...the required setback may be reduced by up to half of the width of the right of way."

SITE HISTORY:

The site is occupied by a red brick and iron dwelling that was constructed in 1920-21. An approximately 4.8 metres wide privately owned and unsealed right of way exists along the rear of the property with access to Bulwer and Vincent Streets.

The Council at its Ordinary Meeting held on 28 May 2002 considered an application for the demolition of the existing dwelling and the construction of five, three storey with loft grouped dwellings on the subject property. It was resolved that the item 'Lay on the Table to allow sufficient time for the applicant to submit new plans.

Since this time, the Council at its Ordinary Meeting held on 11 June 2002 approved the demolition of the existing dwelling for the following reasons:

1. It is not a significant heritage property.
2. Does not contribute to the streetscape.
3. Does not allow for the proper and orderly planning of the property.

In addition, the application for demolition of the existing dwelling was approved subject to, among other conditions, the following:

- "(v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
- (vi) any redevelopment on the site shall use the rear right-of-way for motor vehicle access where possible and be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; "*

The applicant has provided slightly amended plans which are the subject of this item.

Councillors Kate Hall and Basil Franchina have now given notice of their intention to raise the subject motion from the table in accordance with the Town of Vincent Local Law relating to Standing Orders, Clause 13(4).

DETAILS:

Approval is sought for the construction of five (5) three-storey grouped dwellings.

CONSULTATION/ADVERTISING:

The amended plans do not differ significantly from the previously advertised plans, in that only the storage loft areas of each unit have been deleted, and as such, were not re-advertised. Accordingly, the comments received as a result of the previous advertising period are valid in terms of their relevance to the proposed development, excerpts of which are as follows:

*"the height and the fact that the 1st and 2nd floors are to have balconies, future occupants will be looking right across into the front of my units..
...any light towards the end of the day will be lost to me.*

This laneway remains without any drainage or being sealed and yet more and more developments are granted access to their properties via this ROW. Are there any proposals in place to make good the ROW?"

"... I am also concerned with the scale of development. 5, 4 storey buildings would appear to be rather intense development."

"Our concern is the height of the buildings and the shading of our property...there is a common sewer line for properties 175 and 173.."

"As nearby residents, we do not believe that a multi-storey medium density development is in keeping with the surrounding houses of the era. We bought in to this area for its character, and are very sympathetic to the need to restore and preserve these grand old homes for our future generations.

...

We do not believe that the height and scale of the said development would be in keeping with the current streetscape and nor do we believe it is appropriate for this area."

COMMENTS:

The amended plans no longer provide for storage lofts in each of the proposed grouped dwellings. Given that areas of storage are not included in plot ratio calculations, the assessment and comments relative to this proposal remain unchanged.

Plot Ratio

The proposal represents a significant departure from the plot ratio requirements of the Residential Planning Codes (R Codes), which is likely to have an undue adverse affect on the streetscape and amenity of the area by virtue of the building's excessive bulk and scale.

Front and Side Setbacks

There is concern that the design, height and setback of the building from Vincent Street will have a significant impact on the uniformity of the streetscape, which is predominantly single storey. The garage to Unit 1 also represents non-compliance with the Town's Policy relating to Street Setbacks by virtue of its setback from the main dwelling and the street. Further, the presence of a blank wall to Vincent Street is not supported given the resultant impact such a wall would have on the streetscape and the limited interaction between the main building ground floor and the street. Similarly, the rear unit does not exhibit any interactive relationship with the right of way as a potential secondary street and to provide casual surveillance.

The scale, height and setback of a three storey building is not considered acceptable, given the established single and two-storey streetscape of Vincent Street and the Town's Policies relating to Building Scale and the Monastery Locality stating:

'A general height limit of two-storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk.'

The side setbacks, whilst being "broken up" by recessing of sections, are of concern in that their overall scale and height is considered substantial with the effect on adjoining properties being visibly intrusive and an unavoidable negative effect on their outlook.

Privacy

The non-compliance with setbacks has a clear impact on the amenity of the adjacent and surrounding properties by virtue of unreasonable overlooking from the upper floor windows and balconies. Given the upper floor habitable room openings and balconies are not setback at least 6 metres in accordance with the Town's Privacy Policy, unreasonable overlooking into adjacent properties would occur.

Private Open Space

Whilst there are instances where the Council has offered discretion in terms of variations to the R Codes, there is concern that a relaxation of the private open space requirement would set an undesirable precedent for future development in the area.

Whilst the overall provision of open space has been met, the five units are not provided with functional private open space by virtue of constrained courtyards and building overhang. As such, there is concern that the development will adversely affect the amenity of future occupants of the dwellings.

Conclusion

The proposal exhibits significant non-compliance with setbacks, plot ratio, and private open space requirements of the Residential Planning Codes and non-compliance with the Town's Policies relating to Street Setbacks, Privacy, Building Scale and the Monastery Locality.

The proposal seeks to take advantage of development bonuses offered by the Council to encourage the retention of properties valued by the community but without actually retaining the dwelling on the subject site. As such, there is concern that the development will adversely affect the amenity of the area by way of the imposing scale and bulk of the development and potential for unreasonable overlooking into adjoining properties.

In view of the above, it is recommended that the application be refused.

10.1.20 No. 36 (Lot 59) Harley Street, Highgate - Proposed Demolition of Existing Dwelling

Ward:	North Perth	Date:	26 June 2002
Precinct:	Hyde Park, P12	File Ref:	PRO2053 (00/33/1101)
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular;*

(a) *is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing dwelling;*

(b) *the existing place has cultural heritage significance in terms of its historic and representative values;*

the Council REFUSES the application dated 13 May 2002 submitted by B Farrow on behalf of the landowner V James for the demolition of the existing dwelling at No.36(Lot 59) Harley Street, Highgate;

(ii) *the Town notifies the owners of No. 36 (Lot 59) Harley Street, Highgate of the intention to include the place on the Town of Vincent Municipal Heritage Inventory and give the owners the right of reply and comment within 28 days of notification; and*

(iii) *the Council further consider the proposed listing of the place on the Town of Vincent Municipal Heritage Inventory should the owners of the places submit objections to the proposed listing.*

LANDOWNER: V James
APPLICANT: B Farrow
ZONING: Metropolitan Region Scheme: Urban
Town of Vincent Town Planning Scheme No.1:
Residential R80
EXISTING LAND USE: Single house
LOT AREA: 347 square metres

SITE HISTORY:

The site is occupied by a brick and metal dwelling, which was constructed in circa 1901.

DETAILS:

Approval is sought for the demolition of the existing dwelling.

ADVERTISING:

Demolition applications are not required to be advertised.

COMMENTS:

A detailed heritage assessment is contained in Appendix 10.1.20.

The subject place was constructed on Lot 59 circa 1901. It is a brick and metal roofed dwelling, representative of modest Federation style single residences of its time.

The place, being a modest brick dwelling built during the Gold Rush, has *some historic significance*. The place is also significant for its *representative value*, being an early twentieth century modest brick cottage and of the accelerated residential development that occurred in Highgate Hill and Perth during the Gold Rush period.

In summary, the place meets the threshold for entry in the Town of Vincent Municipal Heritage Inventory and it is therefore recommended that the application to demolish the subject place be refused.

10.1.21 No.5 (Lot 43) Paddington Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling and Carport to Existing Dwelling

Ward:	Mount Hawthorn	Date:	4 July 2002
Precinct:	North Perth, P8	File Ref:	PR01935 00/33/1117
Reporting Officer(s):	B Mirco		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Norfolk Homes on behalf of the owners F & S Costa for the proposed additional two-storey grouped dwelling and carport to existing dwelling at No.5 (Lot 43) Paddington Street, North Perth and as shown on plans stamp-dated 21 May 2002, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *compliance with the Town's Policy relating to Parking and Access, namely:*
 - (1) *provision of adequate manoeuvring area for vehicles to be able to effectively use the carparking spaces to the proposed rear grouped dwelling and enter Paddington Street in forward gear; and*
 - (2) *the carparking spaces to the existing grouped dwelling having sufficient manoeuvring area to exit onto Paddington Street;*
 - (b) *the provision of at least 2 car bays for the proposed rear grouped dwelling in accordance with the Residential Planning Codes;*
 - (c) *the deletion of the carport to the existing dwelling;*
 - (d) *the southern side ground floor setback shall be 1.5 metres;*
 - (e) *each dwelling shall be provided with a permanent enclosed storage area of at least 4 square metres, accessible from the outside and compatible with the overall development;*
- The revised plans shall not result in any further variation to the requirements under the Residential Planning Codes and the Town's Town Planning Scheme No.1 and associated policies;*
- (ii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the rumpus room void on the eastern elevation and the windows to bedroom 2 and 3 on the southern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western and eastern sides of the balcony accessible from bedroom 1 on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (v) *subject to first obtaining the consent of the owners of No.3 Paddington Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.3 Paddington Street, North Perth in a good and clean condition;*
- (vi) *a road and verge security bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets in the road reserve are reinstated to the satisfaction of the Town's Technical Services Division;*
- (vii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Paddington Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (viii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*

(xiii) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: F & S Costa
APPLICANT: Norfolk Homes
ZONING: Metropolitan Region Scheme – Urban
Town of Vincent Town Planning Scheme No. 1 – Residential
R30/40
EXISTING LANDUSE: Single house

COMPLIANCE:

Use Class	Grouped dwelling
Use Classification	“P”
Lot Area	556 square metres

Requirements	Required	Proposed
Paddington Street Setback	6.0 metres	nil
Eastern Side Setback -ground floor (garage) - Southern Side Setback	1.0 metre	nil
- ground floor -first floor Western Side Setback	1.5 metres 3.0 metres	1.0 metre 1.0 metre - 2.0 metres
- ground floor - first floor	1.5 metres 1.2 metres	1.0 metre 1.0 metre
Vehicle Accessway	minimum width 3.0 metres	minimum width 2.826 metres
Location of windows	minimum 6.0 metres from lot boundary	2.0 - 4.3 metres from lot boundary
Courtyard Area	24.0 square metres (minimum dimension 4.0 metres)	Proposed dwelling 10.8 square metres (minimum dimension 1.8 metres)
Total Open Space	50 percent	42.7 percent
Carparking	2 bays per grouped dwelling	2 bays indicated for existing dwelling (inadequate manoeuvring); 2 bays indicated for proposed dwelling (inadequate manoeuvring)
Carport width	maximum 50 percent of dwelling width	73.2 percent of dwelling width

SITE HISTORY:

26 February 2002 The Council at its Ordinary Meeting refused a similar application.

DETAILS:

The applicant seeks approval for a two-storey grouped dwelling and carport to the existing single house.

ADVERTISING:

Two objections were received as a result of advertising. The main concerns included overlooking, privacy and non-compliances with setbacks.

COMMENTS:

Paddington Street Setback

The proposed carport to the existing single house in the front setback area is not supported given the generally open streetscape in the immediate vicinity of the subject property and the non-compliance with the maximum width of 50 per cent of the front dwelling, as prescribed in the Town's Policies Relating to Street Setbacks.

Setbacks

The eastern side setback is not considered to have an unreasonable effect on the adjacent property given the relatively short length and single storey nature of the garage wall.

The western side setbacks are not considered to have an unreasonable effect on the adjacent property given the concessions are relatively minor in nature and are not considered to have an unreasonable effect on the adjacent property.

The southern side setback ground floor concession is not considered supportable given the objections received by adjacent properties and the unreasonable effect of a major opening of the dining room on the amenity of the adjacent properties.

Vehicle Access Way

The proposal does not comply with the requirement of a 3.0 metres wide vehicle access way however, it has been the Planning and Building Services general practice to support under width vehicle access ways if it is demonstrated that adequate manoeuvring can be achieved. As such, the proposal is considered supportable in this instance.

Overlooking

There is considered to be potential for unreasonable overlooking from windows to bedroom 2 and 3 on the first floor on the southern elevation and from the western and eastern faces of the balcony on the first floor and as such appropriate screening conditions should be applied.

Courtyard Area

The non-compliance of the courtyard area requirement for the existing dwelling is not considered supportable and as such an appropriate condition requiring the provision of a courtyard area in compliance with the R-Codes should be applied.

Total Open Space

The concession to total open space is relatively minor and as such is considered supportable.

Carparking

The two car bays indicated for the existing dwelling do not have an adequate manoeuvring distance and as such should be conditioned accordingly. The two bays indicated for the proposed dwelling do not have an adequate manoeuvring distance and as such should also be conditioned accordingly.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.2 TECHNICAL SERVICES

10.2.1 Tender for Kerbside Recycling Collection Service - Tender No. 236/02

Ward:	Both	Date:	27 June 2002
Precinct:	All	File Ref:	TEN0141
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	M Rootsey		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (i) *the Council receives the report on the Tender for Kerbside Recycling Collection Services;*
- (ii) *the Council accepts the tender submitted by Amcor Recycling for the Kerbside Recycling Collection Service as detailed in the report and in accordance with the specifications as detailed in Tender No. 236/02; and*
- (iii) *a progress report be presented to Council advising of the outcome/s of the Mindarie Regional Council's Secondary Waste Treatment investigations once more information is available.*

BACKGROUND:

A report titled *Waste Minimisation and Tender for Kerbside Recycling Collection Service* was presented to the Ordinary Meeting of Council held on 6 June 2001, where the following resolution was adopted:

"That;

- (i) *the Council receives the report on Waste Minimisation and Tender for the Kerbside Recycling Collection Services;*
- (ii) *the Council accepts the tender submitted by Amcor Recycling for the Kerbside Recycling Collection Service as detailed in the report and in accordance with the specifications as detailed in Tender No. 211/01;*
- (iii) *the three plastic "drop off" stations be discontinued and plastic kerbside recycling be introduced;*
- (iv) *the "future possible initiatives" outlined in the report be further explored once the Mindarie Regional Council has determined the future direction of secondary waste treatment in the region; and*
- (v) *further report/s be presented to Council advising of the outcome/s of the Mindarie Regional Council Secondary Waste Treatment investigation."*

The Mindarie Regional Council is currently proposing to build a Secondary Waste Treatment Facility (SWTF) to become operational in 2005. Until then, almost all of the member Councils have decided to continue with their current recycling regimes.

In line with this, tenders for the Town's Kerbside Recycling Collection Service for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods, were called and closed at 2.00pm on 4 May 2002. Two (2) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Tender 211/01 Evaluation

Details of all submissions received for Tender No. 211/01 are as follows:

Amcor Recycling

Item	Description	Unit	Current Quantity (A)	Quantity Range	Rate \$ (B)	Total
1	Residential Kerb Side Collection (crates fortnightly)	house hold	13,000	≤ 13,000	0.43	145,340.00
2	Units & Flats Paper: (240L MGB Weekly) (240L MGB Fortnightly) Co-mingle: (240L MGB Weekly) (240L MGB Fortnightly)	bin				
			75	75-125	0.85	3,315.00
			98	98-148	0.85	2,165.00
			68	68-118	0.90	3,182.00
			71	71-121	0.90	1,661.00
3	Commercial Paper: (240L MGB Weekly) (240L MGB Fortnightly) Co-mingle: (240L MGB Weekly) (240L MGB Fortnightly)	bin				
			364	364-414	0.85	16,088.00
			214	214-264	0.85	4,728.00
			147	147-197	0.90	6,879.00
			103	103-153	0.90	2,410.00

TOTAL: \$ 185,769.00

Recycling Company of WA Pty Ltd

Item	Description	Unit	Current Quantity (A)	Quantity Range	Rate \$ (B)	Total
1	Residential Kerb Side Collection (crates fortnightly)	house hold	13,000	≤ 13,000	0.454	153,452.00
2	Units & Flats Paper: (240L MGB Weekly) (240L MGB Fortnightly) Co-mingle: (240L MGB Weekly) (240L MGB Fortnightly)	bin				
			75	75-125	1.18	4,602.00
			98	98-148	1.18	3,007.00
			68	68-118	1.95	6,895.00
			71	71-121	1.85	3,415.00
3	Commercial Paper: (240L MGB Weekly) (240L MGB Fortnightly) Co-mingle: (240L MGB Weekly) (240L MGB Fortnightly)	bin				
			364	364-414	1.18	22,335.00
			214	214-264	1.18	6,566.00
			147	147-197	1.95	14,906.00
			103	103-153	1.85	4,954.00

TOTAL: \$220,132.00

Tender Evaluation

The tenders were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract price 65%
- Past performance in similar project 15%
- Adequate resources available to carry out works 10%
- References 5%
- Overall compliance with tender specification and requirements 5%
100%

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Amcor Recycling	65	14	9	5	5	98
Recycling Company of WA Pty Ltd	53	14	9	5	5	86

CONSULTATION/ADVERTISING:

Tender Number 236/02 was advertised for a minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulations 1996, Part 4 (15).

STRATEGIC IMPLICATIONS:

In line with Strategic Plan 2000-2002 Key Result Areas

2.4 a) *"To facilitate the provision of services and programs which are relevant to the needs of our community"* and

3.4 *"Increased participation in recycling and waste minimisation by residents and business."*

FINANCIAL/BUDGET IMPLICATIONS:

Sufficient funds have been allocated in the 2002/2003 draft budget for the recycling service.

COMMENTS:

The Town is a member of the Mindarie Regional Council (MRC) who is committed to reducing the amount of waste to landfill and previously resolved to develop a Secondary Waste Treatment Facility (SWTF) for the region and to reduce the size of any future landfill at its landfill site at Tamala Park.

The MRC plans to introduce secondary waste treatment services in stages, commencing in 2005. The nature of the SWTF has yet to be determined, however, investigations are in progress.

Therefore, until such time as the above matter has been determined, no change to the current recycling service provided by the Town is considered prudent.

Amcor Recycling is the Town's current Recycling Contractor and has submitted a price comparable with its 2001/2002 tender price.

The discontinuation of the plastic drop off stations in 2001 has proved to be successful, with plastics now being collected at the kerbside.

In taking into account the very good ongoing service provided to the Town by Amcor Recycling, it is recommended that Amcor Recycling be awarded the tender for the collection of kerbside recycling for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods as per Tender No. 236/02.

10.2.2 Tender to Undertake Turf Maintenance at Leederville Oval - Tender No. 237/02

Ward:	North Perth	Date:	25 June 2002
Precinct:	Oxford Centre P4	File Ref:	TEN 0249
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council accepts the tender submitted by Turfmaster Facility Management to undertake Turf Maintenance at Leederville Oval in accordance with the specifications as detailed in Tender Number 237/02.

BACKGROUND:

Tenders to undertake turf maintenance at Leederville Oval for a twelve (12) month period with an option to extend for a further two (2) twelve (12) month periods closed at 2pm on the 19 June 2002 and two (2) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

DETAILS:

Details for all submissions received are listed below.

Activity	No. of Appl/yr	Turfmaster Facility Management		Grounds & Gardens P/L	
		Cost/Activity	Cost/year	Cost/Activity	Cost/year
A. Broadacre Mowing Cylinder Mowing	104 cuts	143.00	14,872.00	131.60	13,686.40
B. Fertilising					
(i) Granular Formulation 1	3 appl	198.00	592.00	350.00	1,050.00
Formulation 2	3 appl	176.00	528.00	365.00	1,095.00
Formulation 3	6 appl	220.00	1,320.00	245.50	1,473.00
C. Weed Control					
(i) Broadleaf Weed Control	2 appl	330.00	660.00	417.00	834.00
(ii) Black Beetle Control	2 appl	1,265.00	1,265.00	407.00	814.00
(iii) Cut Worm Control	1 appl	1,078.00	1,078.00	355.00	355.00
D. Turf Renovation					
(i) Verti-Drain	3 appl	1,089.00	3,267.00	1,930.00	5,790.00
(ii) Verti-Cut/Sweep (2 directions)	1 appl	1,936.00	1,936.00	2,950.00	2,950.00
(iii) Rolla Mow (Low Cut)	1 appl	660.00	660.00	195.00	195.00
(iv) Re-Sweep	2 appl	660.00	1,320.00	185.00	185.00
E. Irrigation					
Irrigation Maintenance	Cost/yr	2,200.00	2,200.00	Labour only	4,336.00
F. Line Marking					
Initial Set Out	1/yr	484.00	484.00	385.00	385.00
Re-Marking	15/yr	242.00	3,630.00	205.00	3,075.00
		TOTAL	\$35,079.00		\$36,223.40

Removal of Debris

	<i>Turfmaster Facility Management</i>	<i>Grounds & Gardens P/L</i>
Debris Disposal	Rate per m³ (banked)	Rate per m³ (banked)
Debris transported by Truck and disposed of by the Contractor. All Costs of Loading, Transport and Disposal of Debris to be borne by the Contractor. Debris to be removed within 48 hours. Debris is only to be dumped on bitumen area at the rear of TAFE	\$9.90	\$43.00
What quantity of thatch material can be removed in one hour	66/m³ banked	8/m³ banked

An evaluation panel consisting of Executive Manager Technical Services, Manager Parks Services and Technical Officer Parks Services assessed the conforming tenders using the selection criteria in accordance with the tender documentation as follows: -

Selection Criteria	Raw Score	Weighting
Contract Price	100	65%
Past Experience	100	20%
Financial Capacity	100	5%
References	100	5%
Organisational Structure/Capacity	100	5%
		100%

Maximum Raw Score x Weighting = Total Score

	Turfmaster Facility Management	Grounds & Gardens P/L
Contract Price	65	58.5
Past Experience	18	14
Financial Capacity	5	5
References	5	4.5
Organisational Structure/Capacity	5	4
TOTAL	98	86

Following the evaluation process, the tender submitted by Turfmaster Facility Management represents the best value for money.

The Company have previously maintained Leederville Oval for the West Australia Football Commission (WAFL) and Perth Glory Soccer Club. They also currently maintain many other major sporting venues such as Subiaco Oval, Fremantle Oval and Arena Joondalup.

Grounds and Gardens Pty Ltd are a relatively new Company endeavouring to establish themselves in Western Australia.

They do not currently own the plant and equipment to completely undertake the works as specified and therefore will need to sub-contract when necessary.

CONSULTATION/ADVERTISING:

Tender Number 237/02 was advertised for a minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulations 1996, Part 4 (15).

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 3.6 "*Develop and Implement Strategies to Improve the Towns Parks and Reserves*"

FINANCIAL/BUDGET IMPLICATIONS:

Adequate funds have been included in the 2002/03 draft budget for Turf Maintenance at Leederville Oval.

All works associated with turf maintenance of the oval and surrounds maintenance requirements prior to the redevelopment of the Oval will be carried out as part of this contract.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by Turfmaster Facility Management to undertake turf maintenance at Leederville Oval for a twelve (12) month period with an option to extend for a further two (2) twelve (12) month options in accordance with the specifications as detailed in Tender Number 237/02.

10.2.3 Temporary Closure of Brisbane Street Between Beaufort and William Streets and William Street Between Bulwer and Newcastle Streets, Perth

Ward:	North Perth	Date:	2 July 2002
Precinct:	Forrest P14; Beaufort P13 & Hyde Park P12	File Ref:	TES0027 & CMS0040
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (i) *the Council APPROVES the closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, between 4.00pm and 10.00pm on Saturday, 26 October 2002, to facilitate the 2002 Lesbian and Gay Pride Parade;*
- (ii) *the Council APPROVES a Main Roads WA accredited Traffic Management contractor carry out the required road closures within the Town at the locations shown on Plan No. A3-00-063A;*
- (iii) *the estimated cost of the road closures of \$4,200 be funded from the 2002/2003 Parades and Festivals budget allocation;*
- (iv) *a temporary 'No Parking' restriction be applied and enforced in the same area from 2.00 pm on Saturday, 26 October 2002;*
- (v) *the applicant contacts the Public Events section of the WA Police Service and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
- (vi) *the applicant liaises with the City of Perth and reimburses the City for the cost of placing a notice of road closure in the "West Australian" newspaper, and*
- (vii) *as for previous such events, the Town of Vincent to be acknowledged as a sponsor in all publicity for the parade.*

BACKGROUND:

Lesbian and Gay Pride has successfully been holding their annual Pride Parade through the streets of Northbridge for a number of years. Last year's crowd was estimated to be in excess of 80,000 people, making the parade one of the largest public events in metropolitan Perth. Prior to 2000, the marshalling of the floats and participants had been restricted to Brisbane Street between William and Beaufort Streets. However, due to the continuing success of the parade and the ever-burgeoning number of floats, as of 2000 the event's marshalling area was expanded to include William Street between Bulwer and Brisbane Streets.

To safely accommodate the enlarged marshalling area and to reduce the impact upon residents specifically and traffic generally, the road closure requirements have become increasingly more complicated.

At its Ordinary Meeting of 23 May 2000, Council was advised of the following:

“The City of Perth has in the past supplied road closure signs and barricades and set them up under the supervision of the WA Police Service, while the Town’s Law and Order Services has supplied and installed the temporary No Parking signs. It is expected that this arrangement will be discontinued this year, while the WA Police Service has indicated that they will be looking to reduce their involvement in the road closure process which may result in the Town having to commit additional staff resources.”

As a result of these changes, in 2000 the City of Perth confined its Parade related activities to within its own boundaries, with the Town assuming responsibility for all road closures north of Newcastle Street.

DETAILS:

In early 2000 the City of Perth advised that they would be discontinuing the practice of supplying and setting up road closure signs and barricades for the parade within the Town's area, starting with the 2000 event.

Further, as a consequence of the expanded marshalling area, the number of road closures required within the Town's area for the 2000 parade far exceeded that of previous parades.

As in 2000 and 2001, the area to be closed for this year's parade extends to Lake and Bulwer Streets and includes some 17 intersections and 27 full and part road closures - refer attached Plan No. A3-00-063A.

If the road closures were to be undertaken by the Town's staff, it would be necessary to acquire or hire a significant number of new traffic signs and barricades to implement the closures as required. Closures would also need to be manned to assure compliance and the Town's outside work force would have to be deployed to set up, man and remove the barricades and signs. Given that the Parade preparations commence in the afternoon, staff would be on duty for approximately 8 hours from 2.00pm through to midnight.

To better coordinate the road closures, it is preferable (where possible) to use the same contractor as engaged by the City of Perth and Lesbian and Gay Pride. To this ends (in collaboration with the above parties) accredited Traffic Management Contractors will be invited to tender for the job(s) with each party billed separately.

This methodology ensures that the road closures are implemented to the relevant Australian Standards and Main Roads WA Code of Practice. It is more cost effective, reduces the impact upon the Town's resources, minimises the Town's liability exposure, and is endorsed by the Police Service's Special Events section.

The Town's Rangers would still be involved in setting up temporary *No Parking* restrictions.

FINANCIAL/BUDGET IMPLICATIONS:

Prior to 2000, the City of Perth supplied and installed all road closure signs and barricades for the Pride Parades. As of the 2000 event, the City withdrew this support requiring that the Town assume responsibility for all road closures north of Newcastle Street.

The estimated cost for the Town to carry out the road closures, including labour costs and purchasing/hiring new signs, etc. is in excess of \$5,000.

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the 27 road closures, provision of sufficient staff (accredited traffic controllers) for a period of eight hours (including mobilisation and demobilisation, set up and pack up), will cost an estimated \$4,200.

STRATEGIC IMPLICATIONS:

Part of the Town's Strategic Mission Statement is - "*Festivals and events will bring the community together and celebrate our history, heritage and culture*".

COMMENTS:

Traffic Management for large public events is fast becoming a specialised field. An accredited Traffic Management contractor is more cost effective and better able to provide the level of service required to comply with relevant Australian and Main Roads WA standards than tying up Council resources. Hence most government agencies (including Main Roads WA) and Local Government Authorities, no longer undertake large-scale road closures and traffic management. Any tender price submitted by the preferred contractor will encompass an approved traffic management plan, all signage and barricades and traffic control personnel.

**10.2.4 Proposed Dedication of the Remaining Portion of Right of Way
Adjacent to Little Hammond Lane, West Perth**

Ward:	North Perth Ward	Date:	2 July 2002
Precinct:	Cleaver Precinct P5	File Ref:	TES 0120
Reporting Officer(s):	A. Munyard		
Checked/Endorsed by:	R. Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed dedication of the right of way adjacent to Little Hammond Lane;*
- (ii) *APPROVES the dedication of the right of way as a road, as shown on attached Plan No. 2065-RP.01, in accordance with Sections 56 of the Land Administration Act 1997; and*
- (ii) *advises the Department of Land Administration and all adjoining property owners of its resolution.*

BACKGROUND:

The owner of property in Florence Street, West Perth, has requested that the Town support the dedication of the remainder of the private right of way (ROW) adjacent to 'Little Hammond Lane'. The dedication of this portion of ROW, together with a proposed extension of the road to be created from the applicant's own land at the time of future sub-division, will constitute dedicated road access to three parcels of land owned by him.

DETAILS:

"Little Hammond Lane" is a dedicated road extending between Hammond and Janet Streets in West Perth. The lane was part of a private ROW which was dedicated as a public road in 1986. Only part of the ROW was dedicated, with 27.5 metres of the southern portion remaining private ROW.

As The Department for Planning and Infrastructure (DPI) requirements must be met before they will grant approval for land to be dedicated as a public road, improvements will need to be carried out on the 27.5 metres of ROW. The 5 metre wide ROW is sealed, however, not to the required specification. The seal is in poor condition and only 2.7 metres wide. The applicant has submitted a written undertaking to meet the cost of resealing this portion of ROW to a satisfactory standard.

The existing lighting in "Little Hammond Lane" is sufficient to comply with DPI requirements, with a street light at the intersection of Janet Street and the existing dedicated portion of lane.

The applicant has indicated his intention to redevelop the lots owned by him at a future date. At that time, to allow legal access and provision of services to lots created by amalgamation and re-subdivision of his land he proposes to provide a 5 metre wide extension to the lane, excised from his land and dedicated as public road under Section 28 of the Town Planning and Development Act 1928.

CONSULTATION/ADVERTISING:

There is no statutory requirement to advertise the proposal, however, in line with the Town's policy on consultation, affected residents and all service providers will be asked for their comments.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications associated with the dedication are minimal. The cost of improvement to the ROW will be met by the applicant.

STRATEGIC IMPLICATIONS:

N/A

COMMENTS:

The dedication of the ROW will complete the action undertaken in 1986, which created the public road known as "Little Hammond Lane". The step will improve development potential of the three lots owned by the applicant, which are all zoned R80. There will be no cost to the Town, and therefore it is recommended that the Council approve the commencement of the dedication process.

10.3 CORPORATE SERVICES

10.3.1 Adoption of Principal Activity Plan 2002-2006

Ward:	Both	Date:	26 June 2002
Precinct:	All	File Ref:	ADM0039
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with Section 5.56 of the Local Government Act 1995 considers the submissions received; and*
- (ii) *ADOPTS the Principal Activity Plan for the four year period 1 July 2002 – 30 June 2006, as laid on the Table.*

BACKGROUND:

Section 5.56 of the Local Government Act 1995 requires a local authority to adopt a Plan of Principal Activities for the next four or more years, which has to be annually reviewed. Senior Officers prepared a draft plan, which was adopted by the Council at the Ordinary Meeting of Council held on 14 May 2002.

CONSULTATION/ADVERTISING:

The draft plan was advertised for the statutory period of forty-two (42) days to allow for public submissions on the Plan to be received.

In addition a presentation was given to community groups held at the Administration and Civic Centre on Wednesday 5th June 2002. The presentation was attended by 8 members of the public and one Councillor, where Senior Council Officers answered questions on the Principal Activity Plan for those in attendance.

DETAILS:

At the closing date for submissions (25 June 2002) two (2) submissions had been received on the Plan.

Dudley Maier, 51 Chatsworth Road, Highgate

The submission outlined the following:

Underground Power: Is concerned that the Town is yet to develop a comprehensive strategy for introducing underground power. The development of a strategy should be included in the plan for 2002/3. Implementation should be listed for subsequent years.

Comment:

The Council has yet to take any strategic decision on the introduction of underground power, the installation of any large scale underground projects is dependent on successful application for State Government funds. The Town applies for funding on each round of State funding applications. The underground power in the Town has currently been confined to localised projects.

Projects/Initiatives Planned: Feels that all such items should give a specific date or range. The initiatives under Community Development do not give any timeframe. This will make progress hard to assess (ie dates should be included for every initiative). Also, any initiatives with earlier dates (eg MHI review 2001-2002) should be amended/removed.

Comment:

The initiatives under Community Development are on-going and in general are programme based with a large number of individual tasks and events in each programme which are applicable to each year of the plan. However time frames have now been added to the Plan.

Impact of 2002/3 Budget: Adjustments should be made as a result of the 2002/3 budget. Believes that some 'implementation' projects have either been removed or deferred. This should be reflected in the Plan.

Comment:

The Plan has been amended for where projects have been identified as being effected by the impact of 2002/03 budget.

Work practices in Ranger Services (page 21). This should be moved forward to 2002-2003 given the concerns about effective parking management.

Comment:

It was considered appropriate to review works practices in 2003/04 to take into account the effect on the Ranger Services, the proposed introduction to the Extended Ranger Security Services 2002/03.

Sally Lake - On behalf of the Hyde Park Precinct Group Inc

Are concerned that the Principal Activities Plan does not include any planning for implementing Underground Power generally across the Town. Residents have consistently requested Underground Power as they believe it will contribute greatly to creating a green leafy environment where street trees do not require such severe pruning because of overhead power lines.

Requests that the Town prepares a long-term plan for funding and implementing undergrounding of power across the entire Town.

Would like to thank the Town for holding a briefing on the Principal Activity Plan for members of Precinct and Business Groups and the general community. Would request that next year's briefing also be open to all ratepayers and advertised well in advance.

Comment:

The Town will undertake to prepare a plan for the funding and implementation of power across the Town as part of the strategic direction of the Town.

STRATEGIC IMPLICATIONS:

The Principal Activities Plan is in keeping with the Council's Strategic Plan 2000-2002 - Key Results Area 4.3 "*continue to improve financial management*".

COMMENTS:

The two submissions have proposed a number of amendments and suggestions, and these have been included, where possible.

The only modification to the Plan this year has been some expansion of the Introduction and the Key Performance Indicators have in some cases been amended to reflect the actual measures of the Town's performance.

The Principal Activity Plan 2002-2006 is recommended for adoption.

10.3.2 Cultural Development Seeding Grant Application

Ward:	Both	Date:	18 June 2002
Precinct:	All	File Ref:	CMS0008
Reporting Officer(s):	R Finlayson		
Checked/Endorsed by:	J Anthony/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That Council APPROVES the applications of Earthwise Junkadelic (\$500), Screen (\$840) and Spontaneous Construction (\$500) for Cultural Development Seeding Grants.

DETAILS:

Each year the Town allocates seeding grants to community organisation to assist with community development.

Earthwise Junkadelic

Earthwise Junkadelic are well known in the youth and community arts scenes. The incorporated group grew out of the successful Sambanistas Community Arts group. The group uses percussion and material artworks as a vehicle for involving young (and old) people in the creative arts.

This project involves conducting free percussion workshops for young people at Headquarters Youth Facility during the July school holidays. The young people will make the percussion instruments from recycled materials and facilitator Ken Allen will lead the workshops.

Spontaneous Construction

This group is the brainchild of professional artist and facilitator Ivan Bannon. Mr Bannon has a well established reputation as an artsworker and is currently the chairperson and interim manager of the Jacksue Gallery in Perth.

This project — ‘Stitcher’ — involves young people collaborating to create an event. A series of workshops will be lead by Mr Bannon and his team of artists, with young people at Headquarters during the July school holidays. The young people will use a range of materials to create models and sculptures which will then be digitally photographed, the images manipulated if appropriate, and displayed on a custom-built web site courtesy of Imago Multimedia Centre in Perth. Later the models and imagery will be taken and displayed as part of the Melbourne Fringe Festival.

Screen

Screen is a media exhibition held in collaboration with John Curtin Gallery at Curtin University and the Biennale of Electronic Art Perth (BEAP). Twenty emerging WA artists will be represented alongside international artists. Vincent resident Tania Doropoulos will be exhibiting as part of Screen at the new Kurb Gallery (formerly The Verge) in William Street, Northbridge (situated within the Town of Vincent). This application is to assist with the rental of the gallery space.

CONSULTATION/ADVERTISING:

This application was received after the advertised funding round in March. Such applications are treated as per the advertised round.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2001-02:

2.1 *Publicly celebrate and promote the Town's diversity.*

FINANCIAL/BUDGET IMPLICATIONS:

In the 2002-03 budget, \$10,000 has been allocated for the cultural development seeding grants. No funds have as yet been spent.

COMMENTS:

Earthwise Junkadelic's application is for a well established program that has been trialled and developed at other local governments and community groups. The workshops also offer the possibility of a local group of young people developing their own junk percussion group, suitable for performance at community events and festivals.

Spontaneous Construction's application, for \$1,000, included various incidentals such as documentation. It is recommended that a grant of \$500 be provided to cover artists' fees and materials.

Screen's application is an opportunity for the Town to support innovative cultural developments, by assisting with space rental for a Vincent resident. The project further extends the Town's profile as a culturally alert local government.

10.3.3 Art Award 2002

Ward:	Both	Date:	26 June 2002
Precinct:	All	File Ref:	CVC0016
Reporting Officer(s):	R Finlayson		
Checked/Endorsed by:	J Anthony / M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That Council:

- (i) **APPROVES** the recommended artwork purchases by the Art Advisory Group; and
- (ii) **REQUESTS** the Chief Executive Officer to investigate the implications for the Art Award of the increasing number of entries, and provide a report to Council prior to the planning stage of the 2003 Art Award.

DETAILS:

The Town conducted its 2002 Art Exhibition in the Administration and Civic Centre from 14th June to 23rd June 2002.

A total of 369 entries were received, an increase of 141 on 2001. Seventeen were either not delivered or rejected for breaching the entry conditions regarding dimensions or hanging devices (4). A total of 352 artworks — paintings, prints, photographs, needlework and sculptures — were displayed. Sixty of the entries were from Vincent residents (16.3%).

A total of 840 people viewed the exhibition.

The winners of the 2002 Art Award are listed below. The Member for Perth Encouragement Award (\$300, non-acquisitive, for a Vincent resident) was initiated at the request of the Art Advisory Group as part of their recommendation that other sponsors from both politics and industry be approached.

Vincent Prize of \$6,000 and acquisition by the Town		
Anne Pearson	'Afternoon Tea with Theresa'	Mixed Media

Vincent Awards (\$500 non-acquisitive)		
Torsten Knorr	'B.B.Q'	Oil
Craig Brooks	'No Prospect! No Prospect!'	Textiles
Philip Berry	'Mueller Park Morning II'	Oil
John Ng	'The Crystal Ball'	Oil

Vincent Ceramic Sculpture Award (\$500 non-acquisitive)		
Frances Dennis	'A Senior Moment'	Paper Clay

Voice News Encouragement Award (\$500 non-acquisitive)		
David R. Duncan	'Fifty Nine'	Acrylic

Member for Perth Encouragement Award (\$300 non-acquisitive)		
Gemma Marwick	'The Forgotten Reef'	Acrylic

The judging panel, consisting of Deputy Mayor David Drewett, Cr Caroline Cohen, Dr David Bromfield and CEO John Giorgi, recommended the purchase of the works below.

PURCHASES BY THE TOWN OF VINCENT			
ARTIST	TITLE	MEDIUM	PRICE
Victoria Bladen	'Surfer'	Pastel	\$800.00
Sander Dijkstal	'DNA'	Sculpture: steel and glass	\$980.00
Torsten Knorr	'B.B.Q.'	Oil	\$2,600.00
Coral Googh	'Dutch Iris'	Oil	\$450.00
TOTAL			\$4,830.00

CONSULTATION/ADVERTISING:

Advertising consisted of two phases. First, to attract entries. A brochure was published and distributed to community centres, libraries, arts centres and local governments throughout the State. Display advertisements were placed in the trade magazine *The Artist's Chronicle* and the two local newspapers, *Voice News* and *Guardian Express*. Line ads, which have proven most effective, were placed in the Arts Directory of *The West Australian*. The brochure was also included in *The Artist's Chronicle*. The brochure, which included the entry form, was also available from the Town's web site and was distributed in electronic form through the Artists Foundation of WA's mailing list. This latter means resulted in enquiries from as far as Queensland and Victoria.

The second phase consisted of advertising the exhibition to attract viewers and buyers. Display ads were placed in *Western Suburbs Weekly*, *Voice News* and *Guardian Express* and line ads in *The West Australian's* Arts Directory. A banner was placed on Keith Frame Reserve at the corner of Loftus and Vincent streets. As an experiment, ads were also placed on Access 31 community television. No visitors to the exhibition reported seeing these ads.

A 'how did you hear about?' sheet was provided at the exhibition. The results are below.

How did you hear about the exhibition?								
Local papers	<i>Artists Chronicle</i>	Brochure	The West's Arts Directory	ToV website	Access 31 TV	Word of mouth	Street banner	Entrant
43	2	19	52	0	0	89	30	47

It is evident from the table above that the most effective form of advertising is word of mouth (presumably from the entrants themselves), followed by *The West Australian's* Arts Directory and the local papers. The street banner obviously attracted a lot of passing trade.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1, 'Publicly celebrate and promote the Town's diversity', of the Town's Strategic Plan 2000-02 is applicable to this project.

FINANCIAL/BUDGET IMPLICATIONS:

Twenty-six works were also sold to private buyers, a large increase on last year's seven. One buyer purchased six.

PRIVATE SALES						
FIRST NAME	FAMILY NAME	TITLE	MEDIUM	CATALOGUE PRICE	ToV COMMISSION	BALANCE TO ARTIST
Loretta	Gibbs	'Bridge'	Acrylic	\$510.00	\$127.50	\$382.50
Marisa	Tindall	'Midnight at Tamin'	Mixed Media	\$200.00	\$50.00	\$150.00
Lindsay	Robson	'Splendor in Grass'	Pastel	\$450.00	\$112.50	\$337.50
Liane	George	'Out and About'	Oil	\$495.00	\$123.75	\$371.25
Peter	Ciemitis	'Still Life'	Watercolour	\$95.00	\$23.75	\$71.25
Karl	Galín	'Tsunami'	Mixed Media	\$250.00	\$62.50	\$187.50
Julie	Johnson	'In the Flinders Ranges SA'	Pastel	\$270.00	\$67.50	\$202.50
Satina	Stransky	'Cosmic Move-ments'	Acrylic & Gouache	\$750.00	\$187.50	\$562.50
Vonne	Mitchell	'Incoming Outgoing'	Mixed Media	\$250.00	\$62.50	\$187.50
Tania	Ferrier	'Mother Time'	Oil	\$1,400.00	\$350.00	\$1,050.00
Robert	Gear	'Redevelopment'	Oil	\$550.00	\$137.50	\$412.50
Don	Lee	'Feeding Frenzy'	Watercolour	\$350.00	\$87.50	\$262.50
Cherry	Lee	'Dabbling'	Acrylic	\$900.00	\$225.00	\$675.00
Felicia	Lowe	'Campfire'	Pastel	\$550.00	\$137.50	\$412.50
Vanessa	Roget	'Untitled'	Photograph	\$580.00	\$145.00	\$435.00
Catherine	Gartner	'Passing Sunrise – Rottnest'	Pastel	\$500.00	\$125.00	\$375.00
Barbara	Butler	'Fremantle Images'	Mixed Media	\$580.00	\$145.00	\$435.00
Hazel	Russell	'Summer Garden'	Pastel	\$850.00	\$212.50	\$637.50
Phillip	Cook	'Dumped Rhetoric'	Oil	\$1,750.00	\$437.50	\$1,312.50
Kay	Bailey	'Butterfly Madam'	Mixed Media	\$120.00	\$30.00	\$90.00
Nira	Roberts	'Crossing at Canal Rocks, Yallingup'	Pastel	\$560.00	\$140.00	\$420.00
Rhys	Tonkin	'Untitled'	Oil	\$400.00	\$100.00	\$300.00
Elaine	Upton	'Maytime in Hyde Park'	Watercolour	\$900.00	\$225.00	\$675.00
Jack	van Brochem	'Violin'	Oil	\$900.00	\$225.00	\$675.00
Graham	Dowley	'Monet's Garden'	Watercolour	\$480.00	\$120.00	\$360.00
Irene	Playford	'Untitled'	Pastel	\$50.00	\$12.50	\$37.50
TOTALS				\$14,690.00	\$3,672.50	\$11,017.50

As can be seen from the table above, the total private sales amounted to \$14,690. Of this, \$11,017.50 was forwarded to artists and \$3,672.50 was held by the Town as commission. Please note that no commission was taken from works purchased by the Town. Adding total private sales to Town of Vincent purchases gives a grand total of \$19,520.00.

Sponsorship by the Voice News of the Voice News Encouragement Award involves the newspaper publishing several display advertisements to the value of \$500 or greater in return for the Town providing the cash prize of \$500. The Vincent Ceramic Sculpture Award consists of \$200 donated by an anonymous local artist and \$300 provided by the Town. The State Member for Perth, John Hyde, provided the Member for Perth Encouragement Award of \$300. Please note that in the budget below the Member for Perth's \$300 is shown included in income and expenditure. This is because the funds were passed through the Town's accounts owing to administrative difficulties with the Member for Perth's office. The Town provides framed certificates with each of the prizes.

Total cost to Council of mounting the Art Award this year has remained stable, owing largely to the screen and lighting hire company reducing their price to retain the business, the restructuring of the curator's role and restrictions on the number of attendees at the opening ceremony (which contained catering costs to the previous year's level despite a large increase in the number of entries). An itemised budget follows.

ART AWARD 2002 BUDGET					
	BUDGETED	ACTUAL		BUDGETED	ACTUAL
EXPENDITURE			INCOME		
Vincent Award (Acquisitive)	6,000.00	6,000.00			
Vincent Prize (Non-acquisitive) x 4 (\$500 each)	2,000.00	2,000.00			
Vincent Ceramic Sculpture Award (Non-acquisitive)	500.00	500.00		200.00	200.00
<i>Voice News</i> Encouragement Award (Non-acquisitive)	500.00	500.00		500.00	500.00
Member for Perth Encouragement Award (Non-acquisitive)	300.00	300.00		300.00	300.00
Acquisitions	6,000.00	4,830.00			
Entry forms design & printing	1,000.00	1,390.00			
Ads: <i>Artist's Chronicle</i>	240.00	720.00			
Ads: <i>Guardian Express + The West</i>	1,000.00	779.20			
Ads: AFWA mailout	250.00	197.50			
Banner	40.00	360.00			

Catering: opening	3,100.00	3,233.89			
Staff: opening	260.00	710.00			
Security: weekends	500.00	468.00			
Screen and lighting hire	6,500.00	6,500.00			
Curator	1,200.00	875.00			
Assistant	2,500.00	2,000.00			
External staff: hanging	1,000.00	0.00			
Musicians: opening	350.00	470.00			
Staff overtime	000.00	262.04			
Entry fees				2,500.00	4,427.99
Commission (private sales)				2,500.00	3,672.50
Contingency (extra hanging devices, paint and tools)	1,500.00	1,573.31			
Totals	34,740.00	33,633.34 (A)			9,100.49 (B)
COST TO COUNCIL (A-B)	24,532.85				

Please note that if entries for the 2003 award reach the anticipated number of 500 and an alternative venue to the Administration and Civic Centre is used, extra costs will probably be incurred for transport, screen and lighting hire, mounting, staffing, security and catering.

COMMENTS:

Following recommendations of the Art Advisory Group, the curator's position this year was restructured to reflect the core work of arranging the artworks for display, since previous years' offerings of floor talks were not taken up by schools, staff or the public. No report was required. The curator, Alison Barrett, made a number of verbal recommendations of an administrative nature, which have been incorporated into the entry conditions. Major points, such as open entry, open media and no theme remain the same.

Administrative difficulties were encountered with the large number of entrants being unable to be accommodated in the Administration and Civic Centre building at the awards ceremony. Environmental Health staff advised that a total of 450 people could be accommodated in the area used for exhibition. The Chief Executive Officer recommended that a total of 300 artists (including one guest each) be permitted to attend, with another 50 places reserved for VIPs, media and staff. Accordingly, invitations were sent to all participating artists which included a rider advising of the limited places. The invitations, posted on the Friday, led to all places being filled by noon Tuesday. On the night, 40 registered artists did not attend, bringing the attendance to 260 artists and guests and 40 others, a total of 300. Participant artists who were refused entry expressed disappointment.

As the Award gains more credibility and profile, entrants will continue to increase in number. Five hundred entrants are anticipated for 2003. This will place enormous pressure on staff to process all the entry forms, receive and hang all artworks in the very limited space and accommodate entrants at the awards ceremony.

Urgent consideration must be given to either limiting the number of entries (a cut-off number could be announced on the entry form and over-limit forms returned rather than altering the open selection process to a fully curated show) or providing more space for both display and the awards ceremony (either within the building by utilising Chambers fully or in other premises with appropriate security, access and climate control).

10.3.4 Disposal of Lot Y246 Part Lot 123 and Lot Y246 (3989m²) Corner Stuart and Palmerston Streets, North Perth

Ward:	Both	Date:	5 June 2002
Precinct:	All	File Ref:	PRO0692
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi		
Amended by:			

OFFICER RECOMMENDATION:

That Council:

- (i) **APPROVES** the offer as submitted by *Oceanbird Holdings Pty Ltd* for two million, one hundred and ten thousand dollars (\$2,110,000), subject to *Oceanbird Holdings Pty Ltd* obtaining a section 18 clearance from the Department of Indigenous Affairs;
- (ii) **Advertises** the disposal of the property for 14 days, inviting submissions in accordance with section 3.58 of the Local Government Act; and
- (iii) **Considers** any submission made on the disposal following the advertising period.

FURTHER REPORT:

At the Ordinary Council meeting of the 11th June 2002 this item was deferred to clarify the issues raised and a further report be submitted providing the conditions of the other submitted offers, a query regarding the status of land to encumbrances, namely Native Title and concern regarding the exposure of the last conditions on the Oceanbird Holdings offer. These issues have been addressed in the report below.

Further Information - Conditions of Other Offers

Westpoint Direct Marketing Pty Ltd

- This offer is subject to obtaining further information in relation to excavation and the Aboriginal Heritage Act.

Straits Real Estate

- All approvals, documentation and Designs on the subdivision of this property will be given to Purchasers on Settlement at no cost to the Purchasers.

This offer is submitted on the understanding that:

- a) the land can be subdivided into 17 lots with 2 lots in this subdivision to be able to be developed to incorporate commercial use including Café, Retail, Office etc.
- b) the land can also be developed as R80 (with no multiples) including 2 lots to have commercial component incorporated in the development.

Cape Bouvard Investments Pty Ltd

- 9.1 (a) The Purchaser gives notice to the Vendor on or before the date which is ten (10) Business Days after the Acceptance Date that the Purchaser is satisfied (in the Purchaser's absolute discretion) with the results of a Phase 1 and 2 Environmental Report (Environmental Report) commissioned by the Purchaser with respect to the Property.
- (b) The Purchaser gives written notice to the Vendor on or before the date which is three (3) Business Days after the Acceptance Date that the Purchaser has obtained approval from the Board of Cape Bouvard Investments Pty Ltd (CAN 009 171 402) to proceed with the purchase of the Property.
- 9.2 The conditions precedent in special condition 9.1:
- (a) Are for the benefit of the Purchaser;
- (b) May only be waived by the Purchaser; and
- (c) Will only be satisfied or waived if the Purchaser gives the Vendor written notice to that effect on or before the expiry date of the condition precedent.
- 9.3 If the condition precedent is not satisfied then the Contract will automatically terminate. On that termination, neither the Vendor nor the Purchaser will have any further rights or obligations to the other except that any monies paid by the Purchaser to the Vendor are to be repaid to the Purchaser without deduction (except for Bank fees and statutory charges and taxes).
- 9.4 The Vendor will promptly deliver to the Purchaser any information which the Purchaser may reasonably require with respect to obtaining the Environmental Report and the Vendor grants to the Purchaser the right to make investigations and enquires in relation to the Property, including:
- (a) The right for the Purchaser or the Purchaser's agents or consultants to enter the Land at any reasonable time to inspect the Property and to do anything which is reasonably necessary to assess the Property, including carrying out an environmental assessment of the Land (including soil tests by drilling holes); and
- (b) The right for the Purchaser to make enquires of and obtain information from all relevant Authorities in relation to the Property.
- 9.5 Settlement is to take place sixty (60) business days after an individual Certificate of Title is issued for the land.
- 9.6 It is acknowledged that as confirmed by Council resolution on 18 December 2001, an amount of \$498,000 be allocated for the Robertson Park Upgrade works. The Vendor is to give a written irrevocable and unconditional undertaking to the Purchaser to carry out the upgrade works to at least that amount within eighteen (18) months of settlement. The Purchaser enters this contract on the basis that the Vendor will carry out the works within that period.

10. Payment of Deposit upon satisfaction of Condition Precedent

No later than 5.00pm (Perth time) on the 3rd Business Day from but not including the date of service of the notice under special condition 9.1 that the condition precedent has been waived or satisfied, the Purchaser is to pay the Deposit to the Purchaser's Agents by way of unendorsed bank cheque in favour of Mallesons Stephen Jaques Trust Account.

11. GST

11.1 For the purposes of Special Conditions 11.2 to 11.6, "consideration", "GST", "recipient", "margin scheme", "supply" and "supplier" have the meanings given to them in the GST Act.

11.2 If any supply made under this contract is subject to GST, the recipient of the supply must pay an additional amount to the supplier.

11.3 The additional amount payable under clause 11.2 is:

- (a) An amount equal to the consideration payable for the relevant supply multiplied by the prevailing GST rate; and
- (b) Payable at the same time and in the same manner as the consideration for the supply to which the additional amount relates.

11.4 Immediately upon payment of the consideration for a supply and the additional amount in relation to GST referred to in clause 11.2, in respect of that supply, the supplier must provide the recipient of the supply with a tax invoice in respect of that supply.

11.5 If the Purchaser gives the Vendor written notice requiring the Vendor to do so, the Vendor must within seven (7) days of the receipt of the notice obtain the valuation required by the GST Act from a valuer approved by (and whose reasonable fees are to be paid by) the Purchaser (which approval may not be unreasonably withheld) to establish the value of the real Property being supplied under this contract (excluding any chattels or other things being supplied under this contract) as at 1 July 2000 and deliver a true copy of the valuation to the Purchaser.

11.6 If the Purchaser gives the Vendor written notice requiring the Vendor to apply the margin scheme to a supply of real Property under this contract, then the following provisions apply to that supply of real Property instead of Special Conditions 11.3 and 11.4:

- (a) The supply of the real Property made under this contract (but not the supply of any chattels or any other supply) is one to which the margin scheme is to apply; and
- (b) The Purchase Price is a GST exclusive amount and, in addition to the Purchase Price the Purchaser must pay any GST, calculated by applying the margin scheme in respect of the supply of the real Property being supplied under this contract (excluding any chattels or other things being supplied under this contract) on the basis of the value of the real Property as set out in the valuation referred to in Special Condition 11.5.

12 Application Prior to Settlement

The Vendor agrees to the Purchaser making application prior to the settlement date, for any subdivision or development approvals, including a building licence, on any part of the property and the Vendor will co-operate in all aspects with the Purchaser and the making of any such applications including, without limiting the generality of the foregoing:

- (a) Signing with expedition any application;
- (b) Providing with expedition any information requested by the Purchaser for the purpose of any such application;
- (c) Giving the Purchaser or any person authorised by the Purchaser the right to enter the property for any purposes associated with making any application, including without limiting the generality of the foregoing:
 - (i) Carrying out surveys; and
 - (ii) Carrying out investigations to determine whether the property is contaminated in any way, including intrusive sampling of soil and groundwater.
- (d) Giving written authority to the Purchaser to make any enquiries of any Local Government or other competent authority for any purpose associated with any of the foregoing applications.

AJ Property Developments Pty Ltd

1. Cash. Our offer will not be subject to finance approval.
2. The vendor is advised that the directors of AJ Property Developments and Paioff Nominees Pty Ltd are licensed Real Estate and Business Agents and the "Disclosure of Interest and Consent in Real Estate or Business Transactions" will be included as part of a formal contract.
3. The purchaser shall not be responsible to contribute to any of the costs associated with the redevelopment of the Public Open Space.
4. Subject to the Town of Vincent undertaking to complete the redevelopment of the Public Open Space within 4 months of settlement.
5. Subject to the Town of Vincent permitting a maximum site coverage of 75% for any proposed subdivision of the property into smaller lots and this is to be reflected in the Design Guidelines.
6. Subject to the purchaser submitting and receiving clearance of Section 18 of the Aboriginal Heritage Act 1972 from the relevant statutory authorities which is to be to the purchasers full satisfaction and prior to settlement.

PES Pty Ltd and Anida Holdings Pty Ltd

1. We have not made an allowance for retaining walls where the "proposed subdivision" abuts parkland.
2. Stormwater/drainage system is to be constructed on the "proposed sub-division" and connected into the Council's road drainage system.
3. No allowance to upgrade any existing roads i.e. Palmerston or Stuart Streets.
4. No allowance for further archaeological or Aboriginal issues. It is assumed that footings would not need to be excavated into existing ground levels as the entire site would be lifted by the importation of fill.
5. In order to compliment the "proposed sub-division", Council is to complete the park works (lot 1) as soon as possible.
6. Council to agree to the purchasers placing a caveat over the property to protect their interests until time of settlement.

7. If the “proposed sub-division” requires a Western Power transformer then this transformer is to be located in park land and not within the “proposed sub-division” area.
8. No allowance for public open space contribution.
9. Based on normal head-work charges and not on Council initiated scheme head-work charges.
10. We are responsible for the development of Lots 2-18. Lot 1 is the Council’s responsibility.
11. Visitors to the “proposed sub-division” would be able to park the street bays along Stuart Street.
12. It is agreed that the zoning is R80 and that there is no plot ratio for single residential blocks.
13. Settlement to be on the basis of:
 - 10% deposit paid on the signing of an agreed Offer & Acceptance by concerned parties. Solicitors to write up the Offer & Acceptance incorporating the conditions listed.
 - Balance to be paid within 30 days of issue of title for the said Lots i.e. Lots 2-18.

The above conditions would need to be agreed to by all parties before entering into a contract.

Oceanbird Holdings

The offer submitted by Oceanbird Holdings was subject to a number of conditions as outlined in a letter of the 10th May 2002. The conditions are listed as follows:

- The Town of Vincent will construct all pathways at their cost (external to the site).
- Easements may have to be granted to the Water Corporation however we acknowledge that this is not a vendor problem.
- You confirmed that you hold documentation from the Water Corporation Sewerage and Drainage Division that the present existing sewer facilities will be capable of carrying the extra flow that may be created by the sub-division of the land in question into an additional 17 lots without the need for further upgrade.
- You have confirmed that you hold on file appropriate clearances clearing the site of any claims whatsoever by any party including but not limited to environmental considerations, archaeological deposits relating to Aboriginal and European heritage matters.
- The property is zoned R80. The design guidelines for the “old bottleyard” as per appendix 7 of your information pack are acknowledged. The purchaser acknowledges that the Town of Vincent’s preferred option is for the development to comprise of lots as per the attached plan.
- The land is free from any easements, encumbrances (refer also to item 2 above) and impositions of any kind by any person/s, local, state or federal authorities or anyone else that may, in the purchaser’s opinion, adversely affect the land.
- All costs involved in subdividing or separation of the 3,989m² from parent lot are to be paid for by the vendor.
- Once the offer is accepted by the vendor, the vendor will provide any support to the purchaser that may be required to enable the purchaser to attend to any Local, State, Federal or statutory requirements.

The condition above was of concern to the Council on the 13th June 2002, the Town received the following alternative condition from Oceanbird Holdings.

“The Vendor will sign any application that the Purchaser is required to submit to any Local, State, Federal or any other statutory body for the purpose of subdivision or development approval between the date of acceptance and settlement. The Vendor will be under no financial obligations in providing assistance.”

Further Information - Native Title

The matter of Native Title is entirely separate to matters relating to places of Aboriginal heritage under the *Aboriginal Heritage Act 1972*.

The place, Robertson Park/Boojoormelup, requires section 18 approval and section 16 permits for ground disturbance because it is a registered Aboriginal Heritage Site, not because of matters relating to Native Title.

The only reference to Native Title in relation to Robertson Park to date is when the ethnographic report was undertaken a couple of years ago. This ethnographic report (detailing the connection of the land with people throughout the past), was undertaken as part of the submission for the section 18 conditional approval. This report required consultation with the Aboriginal community. Generally, to undertake consultation with the Aboriginal community in metropolitan Perth, you consult with the main six Native Title Claimant Groups. In the context of Aboriginal heritage, consulting with the Native Title Claimant groups is simply a methodology to achieve fairness, in order that the various family groups which have connections to Perth, are equally represented during consultation.

The Bottleyard site titles have been checked and they are estates in fee simple. **The Town’s lawyers have confirmed that land that is freehold is not subject to Native Title claim.**

Further Information - Environmental Protection Authority (EPA)

The Town has received a letter from the EPA advising that the scheme amendment ...“*would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment and Heritage.*”

The EPA has also decided that it is not necessary to provide environmental advice on this scheme amendment, however it is the expectation of the EPA that you will implement the scheme amendment in an environmentally responsible manner”.

BACKGROUND:

A summarised chronological list of Council resolutions associated with the “old Bottleyard site” follows:

Ordinary Council Meeting 14th October 1996

- (i) *receives the report on submissions received following Statewide Advertising of the Business Plan prepared for the possible disposal of the Old Bottle Yard on the corner of Stuart and Palmerston Streets, Perth;*
- (ii) *having considered the submissions received, resolves not to sell the land by public tender at this stage but to review the matter in twelve (12) months after the improvement plan for Robertson Park has been considered by the Council;*
- (iii) *will develop, in consultation with the community, an improvement plan for Robertson Park which includes an additional 2,400m² to 5,000m² of Robertson Park, which will be made available as parkland through rationalisation of existing tennis courts, relocation of car parks and closure of roadways;*

Special Council Meeting 15th December 1997

- (i) *The report of the Chief Executive Officer relating to the land known as the “Old Bottle Yard” and Robertson Park be received;*
- (iii) *the Council “approves in principle” the sale of part of the land known as “The Old Bottle Yard” being Lot Y246, Part Y246 and Lot Y247, corner of Stuart and Palmerston Streets, Perth, as shown in Option 2, as detailed in this report;*
- (vi) *the Chief Executive Officer be authorised to prepare an improvement plan for Robertson Park and Stuart Street Reserve, incorporating details of the Hyde Park Precinct Group submission, Council’s original plan and the plan of Temelcos Zambotti Architects as displayed;*
- (ix) *the Chief Executive Officer be authorised to develop design guidelines for any proposed development on the “Old Bottle Yard” site.*

Ordinary Council Meeting 23rd February 1998

- (i) *receives the report on submissions received following statewide advertising of the Business Plan prepared for subdivision and part disposal of the Old Bottle Yard site on the corner of Stuart and Palmerston Streets, Perth:*
- (ii) *having considered the submissions received in accordance with Section 3.59 of the Local Government Act 1995, resolves:*
 - (a) *to take no further action to excise Part Lot Y244 from the park; and*
 - (b) *by AN ABSOLUTE MAJORITY to subdivide Lots Y246, Part Lot Y246 and Y247 in accordance with the Business Plan and sell the land so subdivided by public tender;*

Ordinary Council Meeting 8th February 1999

- (i) *adopts the amended subdivision plan for the “Old Bottle Yard” site (WAPC Ref. 107329) reflecting that shown on Attachment 11.1.18(b); subject to the total land area of the lots being at least the same area as that shown on the previous subdivision plan; and*

Ordinary Council Meeting 8th March 1999

- (i) *receives the submission from the Hyde Park Precinct Group Inc. dated 8 January 1999 and received 11 January 1999;*
- (ii) *adopts the Draft Design Guidelines for the “Old Bottle Yard” site, as shown in Appendix 11.4.3A;*
- (iii) *adopts the Robertson Park Improvement Concept Plan, (Plan No. A0-98045/D) and Surrounding Streets Concept Streetscape Improvement Plan, (Plan No. A1-99112) as shown in Appendix 11.4.3B;*

Ordinary Council Meeting 14th June 1999

“That the Council APPROVES BY AN ABSOLUTE MAJORITY the allocation of \$242,170 from the Capital Reserve to fund the bitumen removal, and archaeological survey and excavation, filling and drainage, sewerage, water, underground power supply and other works associated with the subdivision of the former Bottle Yard, subject to such funds being returned to the Capital Reserve when the proposed sale of land occurs.

Ordinary Council Meeting 12 July 1999

- (iii) *no improvement works on Robertson Park be carried out until:*

 - (a) *sufficient lots contained in the subdivision of Lot Y246 and Lot Y247, corner of Stuart and Palmerston Streets, Perth (the “Old Bottle Yard”) have been sold to recoup the full costs of the subdivision and sale and to cover the full cost of the Robertson Park Improvement Plan (subject to (iv) and (v) below);*
 - (iv) *the total cost of the Robertson Park improvements does not exceed \$750,000 as previously determined by the Council and as outlined in the Town’s Principal Activities Plan; and*
 - (v) *nothing in this motion implies any change to the commitment to sell all the land previously determined by Council and to apply the funds to the improvement of Robertson Park and other major capital works determined by Council.*

Ordinary Council Meeting 6th December 1999

- (a) *the adoption of a new subdivision layout using Option E1 as detailed in this report;*
- (b) *to adopt the Business Plan for Major Land Transactions, in accordance with Sections 3.58 and 3.59 of the Local Government Act for the proposal to subdivide and dispose of land comprising of 5,841 square metres of the Old Bottleyard, Perth (Appendix 10.4.6(B)) and such Business Plans to be advertised statewide for a period of not less than six (6) weeks, inviting written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period; and*

Ordinary Council Meeting 8th February 2000

- (a) *to proceed with the subdivision of the Old Bottleyard, Lot Y246, Part Lot Y246 and Lot Y247 as shown in Option E1 as detailed in this report;*
- (b) *to adopt the Draft Design Guidelines for the proposed subdivision as laid on the table; and*
- (c) *to appoint van der Meer Consulting to refine and progress the subdivision documentation, tender specifications and supervise the necessary subdivision works, at 6.5% of the contract sum (at an estimated cost of \$48,000).*

Special Council Meeting 15th February 2000

- (1) *the Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of one third of the members, the Council resolves to REVOKE BY AN ABSOLUTE MAJORITY the following resolutions adopted by the Council;*

at its Ordinary Meeting held on 6 December 1999 namely;

Item 10.4.6

“That the council;

- (4) (a) the adoption of a new subdivision layout using Option E1 as detailed in this report;*
 - (b) to adopt the Business Plan for Major Land Transactions, in accordance with Sections 3.58 and 3.59 of the Local Government Act for the proposal to subdivide and dispose of land comprising of 5,841 square metres of the Old Bottleyard, Perth (Appendix 10.4.6(B)) and such Business Plans to be advertised statewide for a period of not less than six (6) weeks, inviting written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period; and*
 - (c) to adopt the Draft Design Guidelines for the proposed subdivision as shown in Appendix 10.4.6(C) and advertises these for a period of 30 days and invites written submissions from the public and for the Council to consider any submissions at the conclusion of this period;*
- (5) the Chief Executive Officer be authorised to:*
 - (a) refine the adopted subdivision plan, to address planning and technical issues, as detailed in the Business Plan.”*
- (2) in the event that (1) above is approved, the Council APPROVES BY AN ABSOLUTE MAJORITY;*
 - (a) the adoption of a new subdivision layout using Option A (Appendix 5.1(a)) as detailed in the report dated 12 February 2000;*
 - (b) to adopt the Business Plan for Major Land Transactions, in accordance with Sections 3.58 and 3.59 of the Local Government Act for the proposal to subdivide and dispose of land comprising of 3998.4 square metres of the Old Bottleyard, Perth as shown in the report dated 12 February 2000 (Appendix 5.1(e)) and such Business Plans to be advertised statewide for a period of not less than six (6) weeks, inviting written submissions on the proposed undertakings and for the Council to consider any submissions received at the conclusion of this period; and*
 - (c) to adopt the Draft Design Guidelines for the proposed subdivision as shown in Appendix 5.1(f) and advertises these for a period of 30 days and invites written submissions from the public and for the Council to consider any submissions at the conclusion of this period; and*
 - (d) the Chief Executive Officer be authorised to refine the adopted subdivision plan in order to address planning and technical issues.*

Ordinary Council Meeting 11th April 2000

- (1) *considers the submissions received from the public for the proposed subdivision and Residential Design Guidelines for the Old Bottle Yard; and*
 - (a) *to proceed with the subdivision of the Old Bottle Yard, Lot Y246, Part Lot Y246 and Lot Y247 as shown in Option A (Appendix 10.4.2(a)) as detailed in this report;*
 - (b) *to amend subdivision Option A, to Option A-1 as shown in Plan A4-00-017 (Appendix 10.4.2(b)) and pursuant to S.3.59(6) of the Local Government Act 1995 resolves that this amendment is not "significantly different" to the advertised Business Plan for the following reasons;*

Ordinary Council Meeting 23rd May 2000

- (i) *the Council receives the report on public submissions received on the Robertson Park Improvement Plan No. A0 98045/1;*
- (ii) *a total of \$498,000 be allocated for the park upgrade works to be funded from the sale of the Old Bottle Yard;*
- (iii) *detailed design plans and costings be prepared incorporating, wherever appropriate, ideas put forward by the community and the former Robertson Park Working Group;*
- (iv) *the Town liaises with the Claisebrook Catchment Group with regard to the possible water feature and explores possible funding options; and*
- (v) *no works commence on the park upgrade until sufficient funds have been obtained from the sale of the Old Bottle Yard and a further report is presented to Council outlining the final design and costings of the proposal."*

Ordinary Council Meeting 18th December 2001

- (i) *pursuant to the Local Government Act Section 3.58, the Council APPROVES of the disposal of the Old Bottle Yard Land, comprising Lot Y246, Part Lot Y246 and Lot Y247 (4004.5m²) as shown in the Plan stamp dated 12 June 2001 by the Ministry for Planning (Appendix 10.4.4A) by public tender; and*
- (ii) *the Council APPROVES of the tender evaluation criteria as detailed in this report and authorises the Chief Executive Officer to prepare the necessary documentation and advertise the tender.*

Ordinary Council Meeting 8th May 2001

- (i) *nominates the whole of Robertson Park, excluding the Old Bottle Yard Subdivision at Lots Y246 and Y247, Palmerston Street, Perth as shown in Appendix 10.1.15 to the Heritage Council of Western Australia for their preliminary consideration for listing on the State Register of Heritage Places; and*
- (ii) *advises the Heritage Council of Western Australia that the Town supports further investigation by the Heritage Council of Western Australia in relation to preliminary consideration for listing the whole of Robertson Park, excluding the Old Bottle Yard Subdivision at Lots Y246 and Y247 Palmerston Street, Perth, on the State Register of Heritage Places, subject to:*

- (a) *all associated costs being met by the Heritage Council of Western Australia; and*
- (b) *the Town being afforded the opportunity to comment on the results of the further investigation.*

Ordinary Council Meeting 9th April 2002

- (i) *does not accept any of the tenders submitted;*
- (ii) *APPROVES the disposal of the portion of Lot Y246 part lot Y246 and Lot Y246 (3989m²) Corner Stuart and Palmerston Streets, Perth by private treaty in accordance with Section 3.58 (3) of the Local Government Act 1995;*

Ordinary Council Meeting 11th June 2002

That this Item be DEFERRED to clarify the issues raised and a further report be submitted concerning conditions of other submitted offers.

The following report is a verbatim report from the 11th June 2002 report.

The following resolution was approved at the Ordinary Council meeting of the 9th April 2002:

That the Council,

- (i) *does not accept any of the tenders submitted;*
- (ii) *APPROVES the disposal of the portion of Lot Y246 part lot Y246 and Lot Y246 (3989m²) Corner Stuart and Palmerston Streets, Perth by private treaty in accordance with Section 3.58 (3) of the Local Government Act 1995;*
- (iii) *authorises the Chief Executive Officer to sell the land parcel;*
- (iv) *set the price and any terms and conditions at its first budget meeting to be held on 27 April 2002;*
- (v) *APPROVE of any offers received for the purchase of the land; and*
- (vi) *that prospective purchasers are advised that regardless that the land is zoned Residential R80 the land is contained in the Hyde Park Precinct which does not permit multiple dwellings.*

DETAILS:

Six offers were received as follows:

▪ Oceanbird Holdings Pty Ltd	\$2,110,000
▪ Westpoint Direct Marketing Ltd	\$1,950,000
▪ Straits Real Estate	\$1,830,000
▪ Cape Bouvard Investments Pty Ltd	\$1,815,000
▪ AJ Property Development Pty Ltd	\$1,750,000
▪ PES Pty Ltd & Anida Holdings Pty Ltd	\$1,272,000

The Town's officers held discussions with Oceanbird Holdings on their offer.

The offer submitted by Oceanbird Holdings was subject to a number of conditions as outlined in a letter of the 10th May 2002. The conditions are listed as follows:

- The Town of Vincent will construct all pathways at their cost (external to the site).
- Easements may have to be granted to the Water Corporation however we acknowledge that this is not a vendor problem.
- you confirmed that you hold documentation from the Water Corporation Sewerage and Drainage Division that the present existing sewer facilities will be capable of carrying the extra flow that may be created by the sub-division of the land in question into an additional 17 lots without the need for further upgrade.
- You have confirmed that you hold on file appropriate clearances clearing the site of any claims whatsoever by any party including but not limited to environmental considerations, archaeological deposits relating to Aboriginal and European heritage matters.
- The property is zoned R80. The design guidelines for the “old bottleyard” as per appendix 7 of your information pack are acknowledged. The purchaser acknowledges that the Town of Vincent’s preferred option is for the development to comprise of lots as per the attached plan.
- The land is free from any easements, encumbrances (refer also to item 2 above) and impositions of any kind by any person/s, local, state or federal authorities or anyone else that may, in the purchaser’s opinion, adversely affect the land.
- All costs involved in subdividing or separation of the 3,989m² from parent lot are to be paid for by the vendor.
- Once the offer is accepted by the vendor, the vendor will provide any support to the purchaser that may be required to enable the purchaser to attend to any Local, State, Federal or statutory requirements.

The Town sought further clarification of the conditions outlined in the letter 10th May 2002 from Oceanbird Holdings in a letter of the 24th May 2002, the contents of which are as follows:

- The Town of Vincent will construct all pathways at their cost (external to the site).
- Easements may have to be granted to the Water Corporation and you acknowledge that this is not a vendor problem.
- The Town advises that there is currently no sewer connection to the site, however the Town’s Civil Engineering Consultants advise the following:
That when the Watercorp installed the sewerage reticulation mains they would have taken into account future development in the catchment and designed the system to cater for this. This site can either be serviced from either extending the existing sewer at the rear of lots west of bottleyard site (north of bottleyard) or providing a connection from the existing manhole in Stuart Street which is on the 535 diameter main sewer line or both. The final connection and configuration will be dependant on the type of development (see attached diagram).
- The Town has the appropriate section 18 clearance from the Department of Indigenous Affairs, however we have been advised that if a new owner wishes to develop the site in any way that includes ground disturbing works, including works associated with subdivision of it, he/she must lodge a section 18 application to gain consent for that purpose.
- The Town property is zoned R80 and that you acknowledged the “design guidelines” for the “Old Bottleyard” being the property.

- The Town confirms that to its knowledge the land is free from any easements, encumbrances and impositions of any kind by any persons, Local, State or Federal authorities or anyone else that may, in the purchaser's opinion adversely affect the land.
- The Town confirms that all costs involved in subdividing or separation of 3989m² from the parent lot are to be paid for by the vendor.
- The Town will provide any support to the purchaser that may be required to enable the purchaser to attend to any Local, State, Federal or statutory requirements.
- The offer is subject to approval by the Council of the Town of Vincent.
- The offer will be required to be advertised for 14 days in accordance with Section 3.58 of the Local Government Act.

These conditions have now been confirmed. In a letter from Oceanbird Holdings dated 31st May 2002, they advise that following our discussions the offer will be put to Council and that this is subject to them obtaining a section 18 clearance from the Department of Indigenous Affairs.

The letter further confirms the Water Corporation has advised that connection to the sewer will more than likely be to Stuart Street as the first option or to other sewer connection points to the north or west of the property. If this is the case the Water Corporation will require an easement through part of the balance of the property to be able to connect the sewer to the Minister's sewer line.

CONSULTATION/ADVERTISING:

The sale was advertised in the West Australian on the 17th and 20th April 2002 and forty (40) information packages were distributed.

LEGAL/POLICY:

It is therefore recommended that the land parcel be sold by private treaty in accordance with Section 3.58 of the Local Government Act 1995. This states that:

- (2) *Except as stated in this section, a local government can only dispose of property to -*
 - (a) *the highest bidder at public auction; or*
the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
 - a) *it gives statewide public notice of the proposed disposition -*
 - i) *describing the property concerned;*
 - ii) *giving details of the proposed disposition; and*
 - iii) *inviting submissions to be made to the Local Government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

- b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include -*
 - a) *the names of all other parties concerned;*
 - b) *the consideration to be received by the Local Government for the disposition; and*
 - c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the propose disposition.*

STRATEGIC IMPLICATIONS:

In accordance with Strategic Plan 2000-2002

3.5 Develop and Implement Strategies to improve the town's Physical Infrastructure, including buildings and land.

FINANCIAL/BUDGET IMPLICATIONS:

The Council has budgeted to receive \$2,200,000 from the land sale with \$471,000 allocated for subdivisional expenditure.

The offer of \$2,110,000 for these lots is financially acceptable to the Town.

The terms of settlement proposed are 90 days from Notification of Acceptance by the Vendor the Purchaser or Issue of Separate Title for the lot whichever is the later.

VALUATION:

The town has received two valuations on the lots for sale. A valuation from Paxton Hoad (North) - \$1,600,000 to \$1,900,000 dated 12th November 2001 and a valuation from the Valuer Generals Office of \$1,850,000 received on the 25th March 2002.

COMMENTS:

The offer from Oceanbird Holdings is financially acceptable to the Town and it is recommended that it be approved. However the sale by private treaty will necessitate an advertising period of not less than 2 weeks for the Council to consider any submissions received.

10.3.5 World Refugee Day – “Refugee Welcome Zone”

Ward:	Both	Date:	21 June 2002
Precinct:	All	File Ref:	CMS0016
Reporting Officer(s):	A Hope		
Checked/Endorsed by:	J Anthony/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That Council endorse the signing of a declaration drawn up by the Refugee Council of Australia declaring the Town of Vincent to be a ‘Refugee Welcome Zone’.

DETAILS:

As part of this year’s celebration for World Refugee Day on June 20th 2002, the Refugee Council of Australia invited local Councils across Australia to declare a ‘Refugee Welcome Zone’ within their Town or City boundaries. The Town of Vincent has received a copy of the Declaration for its consideration. The Declaration would form a commitment in spirit to welcoming refugees into our community and reaffirm the Town of Vincent’s ongoing commitment to cultural diversity and humanitarianism.

Upon receipt of the Declaration the Town of Vincent will be presented with a certificate of Appreciation and Endorsement for its commitment to welcoming refugees and their families. The signed Declaration would be retained by the Refugee Council of Australia.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1: *“Publicly celebrate and promote the Town’s diversity”.*

and

Key Result Area 2.4: *“Review the range of community services provided to the people of the Town of Vincent”*

2.4.a: To facilitate the provision of services and programs which are relevant to the needs of our community.

2.4.c: Provide opportunities for people in our community to enhance their quality of life.

COMMENTS:

The Town of Vincent has provided a great deal of support for the establishment of services that provide assistance to migrants and refugees. Recently, the Town leased a property at 286 Beaufort Street, Perth to ASeTTS, an organisation providing services to migrants and refugees who have experienced torture and trauma. A few years ago the Town assisted in the establishment of Multicultural House on View Street, North Perth which is now home to Ethnic Communities Council and North Perth Migrant Resource Centre.

Signing this Declaration would announce publicly that we value our diverse community and we have an ongoing commitment to welcoming and supporting people who have come to Australia from other countries, particularly refugees who tend to be most vulnerable.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Use of Common Seal

Ward:	-	Date:	2 July 2002
Precinct:	-	File Ref:	ADM0042
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Common Seal on the documents listed in the report.

DETAILS:

The Common Seal of the Town of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
20/06/02	Town Planning Scheme No. 1 – Amendment No. 7 – Scheme Amendment Documents	3	Town of Vincent Town Planning Scheme No. 1 – District Zoning Scheme Amendment No. 7 – Replace existing Clause 21 in the Scheme Text with new Clause 21.
20/06/02	Town Planning Scheme No. 1 – Amendment No. 13 – Scheme Amendment Documents	4	Town of Vincent Town Planning Scheme No. 1 – District Zoning Scheme Amendment No. 13 – Rezone part of Nos. 216-232 (Lots 101, 102 and Y24), Newcastle Street, Perth and part of No. 323 (Lot 50) William Street, Perth from “unzoned land” to “commercial” zone.
20/06/02	Town Planning Scheme No. 1 – Amendment No. 14 – Scheme Amendment Documents	4	Town of Vincent Town Planning Scheme No. 1 – District Zoning Scheme Amendment No. 14 – Rezone Lot 618 Richmond Street, North Perth and No. 24 (Lot 13) Emmerson Street, North Perth from “Residential R40” to “Town of Vincent Scheme Reserves – Parks and Recreation”.
27/06/02	Deed for Reduction in Services Fees	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Ms V.R. Rayner of Unit 36, Leederville Gardens
27/06/02	Contract Document	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Ms V.R. Rayner of Unit 36, Leederville Gardens
28/06/02	Transfer of Land – Notification under Section 70A	2	Town of Vincent and Mr V. Kozon, 368-372 Charles Street, North Perth re: Lot 72 on DP 31931 (132 Loftus Street, North Perth)

10.4.2 Sporting Facilities Tour

Ward:	-	Date:	3 July 2002
Precinct:	-	File Ref:	RES0060
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Mayor and Chief Executive Officer be authorised to carry out an inspection of sporting facilities as detailed in this report at an estimated cost of \$2,540 each during the month of August 2002.

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC.

At the Council Meeting held on 14 May 2002, architects were appointed for the various projects. Oldfield Knott Architects were appointed for the redevelopment of Leederville Oval and Peter Hunt Architects for the Multi-Purpose Rectangular Sports Stadium, State Indoor Multi-Use Centre and the Office Building.

The Chief Executive Officer has been meeting with the project architects and Department of Sport and Recreation representatives and the various potential lessees. It is intended to provide a progress report to the Council Meeting to be held on 23 July 2002.

During discussions it was considered beneficial to carry out a study tour of sporting facilities. At this stage, the two project architects of Peter Hunt Architects, Oldfield Knott Architects and a representative of the Department of Sport and Recreation have indicated their interest in participating. An invitation will also be extended to the various soccer and rugby sporting groups to join the tour.

Aim

The purpose of the tour is:

1. To inspect "state-of-the-art" sporting facilities to view best practice and the latest design features.
2. To inspect facilities to ascertain ongoing maintenance criteria.
3. To obtain information on various management options of multi-use facilities.
4. To obtain information relating to maximising potential income from multi-use facilities, including revenue from leases, naming rights, marketing, management and catering rights.
5. To obtain first-hand knowledge from venue owners and stakeholders concerning construction methods and problems encountered.

Venues

A list of venues is currently being compiled, however the following is indicative

LOCATION	DATE	VENUE
Adelaide	29 July 2002	• “Football Park” (AFL)
		• Hindmarsh Stadium (Soccer/Rugby)
Melbourne	30 July 2002	• Colonial Stadium (AFL)
		• MCG (AFL)
Canberra	31 July 2002	• Bruce Stadium (Rugby/Soccer)
Sydney	1-2 August 2002	• Sydney Football (Aussie) Stadium (Rugby)
		• Parramatta Stadium (Rugby/Soccer)
		• Stadium Australia (Multi-use)
		• Indoor Sports Centres (to be determined)
Brisbane	3 August 2002	• Suncorp Stadium (Rugby/Soccer)
		• The Gabba (AFL)
		• Ballymore Stadium (Rugby)

FINANCIAL IMPLICATIONS:

	Economy Class
Airfare	1,500.00
Hotel Accommodation	650.00
Daily Allowance/Expenses	390.00
	<u>\$2,540.00</u>

LEGAL POLICY:

Council’s Policy 4.1.13 – *“Conferences – attendance, representation and related issues”* – Clause 1 states that a maximum of one Elected Member and one officer may attend interstate or international conferences.

Council’s Policy 4.1.14 – *“Conferences – travel and accommodation expenses”*- states that the Mayor and Chief Executive Officer are entitled to travel business class and all other persons to travel economy class.

STRATEGIC IMPLICATIONS:

The redevelopment of Perth and Leederville Ovals and the replacement of Len Fletcher Pavilion are in accordance with the Town's Strategic Plan Key Result Area 3.6 - *Develop and implement strategies to improve the Town's parks and reserves.*

These three State Sporting Facility projects are to be constructed in partnership with the State Government of Western Australia and are estimated to cost \$19 million. The State Government will contribute \$8 million towards these projects.

COMMENT:

There are many benefits to be gained by inspecting facilities on a first hand basis.

It is requested that approval be granted for the Mayor and Chief Executive Officer to carry out this study tour.

10.4.3 Information Bulletin

Ward:	-	Date:	3 July 2002
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 9 July 2002 and distributed to Elected Members with the Agenda be received.

DETAILS:

The items included in the Information Bulletin dated 9 July 2002 are as follows:

ITEM	DESCRIPTION
IB01	Letter to Department of Local Government and Regional Development - No. 228-232 (Lot 17) Carr Place, Leederville - Expired Appeal
IB02	Nos.228-232 (Lots 17 & 18) Carr Place, Leederville - Response to Town Planning Appeal Tribunal on Planning Refusal
IB03	No. 56 (Lot 7) Galwey Street, Leederville - Response to Department of Local Government and Regional Development on Building Notice Appeal
IB04	Letter from Western Australian Planning Commission - Town Planning Scheme No. 1, Amendment No. 6
IB05	Circular from Minister for Housing and Works; Local Government and Regional Development; The Kimberley, Pilbara & Gascoyne - Review of the Dog Act 1976: Issues Paper Released for Discussion
IB06	Australian Transport Safety Bureau (ATSB) – Driveway Deaths
IB07	Western Australian Local Government Association – Letter re Application for PBP Funding
IB08	Letter of Thanks from Macedonian Orthodox Church – Redevelopment of Parking Area
IB09	Response to questions from John Little - Council Meeting 25 June 2002.
IB10	Further response to questions from John Little – Council Meeting 25 June 2002.

10.4.4 Appointment of Medical Officer of Health and Provision of Immunisation Services

Ward:	Both Wards	Date:	2 July 2002
Precinct:	All Precincts	File Ref:	ENS0025
Reporting Officer(s):	A Bosworth, D Brits		
Checked/Endorsed by:	R Boardman, J Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the contractual appointment of Doctor Ann Starling to provide immunisation services to the Town, effective from 1 August 2002;*
- (ii) *APPOINTS Doctor Ann Starling as the Town's Medical Officer of Health in accordance with Part II, Division 2, Sections 27 and 28 of the Health Act 1911 (as amended);*
- (iii) *continues to pay the Medical Officer of Health a retainer fee of \$500 per annum with annual Consumer Price Index adjustments; and*
- (iv) *delegates to the Chief Executive Officer the annual review of the contractual arrangement.*

BACKGROUND:

Since the inception of the Town, an Immunisation Service has been provided for Infants and School Aged Children in accordance with the National Immunisation Schedule, and annual Staff Influenza vaccinations.

Recently, Dr Margaret Joachim has resigned from her position as Immunisation Service Provider and the Town's Medical Officer of Health, to retire. Letters requesting Expressions of Interest were sent to obtain quotations for the vacant position.

DETAILS:

Currently, the Town of Vincent conducts monthly immunisation services on the first Wednesday of every month at the Town's four clinics located at:

- Mount Hawthorn Clinic, No.197 Scarborough Beach Road, Mount Hawthorn (9.00 – 9.45am);
- Loftus Clinic, No. 99 Loftus Street, Leederville (10.00 – 10.45am);
- Harold Street Clinic, Harold Street (Cnr Curtis), Highgate (11.00 – 11.45am); and
- View Street Clinic, No. 20 View Street, North Perth (12.00 – 12.45am).

The vaccines available to residents are those to prevent Diphtheria; Tetanus; Whooping Cough; Poliomyelitis; Combined Measles Mumps and Rubella; and combined Haemophilus Influenzae Type B and Hepatitis B.

A school immunisation service has also been provided at the local Primary Schools during the months of October and November each year. Grade one students (aged 5) are immunised against Measles Mumps and Rubella, Tetanus and Diphtheria. Grade seven students (aged 12) are immunised against Adult Tetanus Diphtheria and Hepatitis B.

The current attendance rate at the monthly clinics is around fifteen, and does not necessitate an increase in operating hours, as many families prefer to make use of their General Practitioner for their medical needs. The continuation of the service however provides for the most needy and those ratepayers with limited transport opportunities. In addition, the Rheola Street Clinic, located in West Perth offers free vaccination and is open from 8.30am – 5.00pm daily. These factors may attribute to the low attendance rate at the Town's clinics.

CONSULTATION/ADVERTISING:

Eleven letters were distributed to interested Doctors, and local General Practitioners. Quotations were required to address the following:

- hourly rates for the position;
- retainer fee per annum (for Medical Officer of Health);
- certified copy of General Registration with the Medical Board of Western Australia;
- abridged Curriculum Vitae;
- confirm willingness to comply with Australian Medical Association and Department of Health (WA) best practice regarding the above services; and
- professional indemnity.

LEGAL/POLICY:

The Town requires a Doctor to fulfil the statutory function of a Medical Officer of Health as required by the Town of Vincent Local Law 1997 (Part 7), and Part IX Division 1 of the Health Act 1911 (as amended), relating to infectious diseases. Subsequent approval by the Executive Director Public Health is necessary in accordance with Part II, Division 2, Sections 27 and 28 of the Health Act 1911 (as amended) for this appointment.

Previously, Doctor Margaret Joachim was paid a retainer fee of \$500 for this position. It is proposed that the Town continues to provide a retainer fee for this service to the approved service provider and payment be made on an hourly rate for hours worked in this position.

Furthermore, Section 340 of the Health Act 1911 authorises Local Authorities to provide an immunisation service. As this service has been provided to the Town's residents since the restructuring of the City of Perth, Health Services would aim to continue providing this vital community health program.

Medical Practitioners are required to have Medical Defence cover as part of their professional indemnity insurance. Medical Defence insurance claims are unlimited, though are subject to consideration by the Medical Defence Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area: 1 *"To create an accessible safe and healthy environment for our community"*.

COMMENTS:

Four responses were received in relation to the position, and the Quotations are outlined below.

COMPANY	HOURLY RATE	COMMENT
Dr Ann Starling View Street Medical Practice	\$95.00	Formal Submission
Dr Nelson Lau	\$100.00	Response
Dr Peter Winterton Mount Hawthorn Medical Practice	\$120.00	Formal Submission
Dr Catherine Johnson Executive Officer Delta Health	\$200.00	Response

It is considered that the preferred Service Provider to be employed by the Town for immunisation clinics and Medical Officer of Health, is Dr Ann Starling as she has:

- Confirmed her willingness to comply with Australian Medical Association and Department of Health (WA) best practice regarding the above services;
- Offered to arrange a locum doctor in the case of illness or planned holidays;
- Agreed to a \$500 retainer fee for the Medical Officer of Health position;
- Requested an annual increase based on consideration of increase in professional indemnity insurance as well as the Consumer Price Index; and
- Submitted a competitive quotation of \$95.00 per hour for hours worked.

Therefore, it is recommended to engage the contractual services of Doctor Ann Starling as the Town's Medical Officer of Health and to provide immunisation services to the Town, effective from 1 August 2002.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Simon Chester – Review of Town of Vincent Town Planning Scheme No. 1 - Clause 34 Relating To Unauthorised Existing Developments

That the Council:

- (i) *authorise the Chief Executive Officer to prepare a report on
 - (a) *the processing of developments that are identified as non-compliant or unauthorised under the Town of Vincent Town Planning Scheme No.1 and to include the identification of any extraordinary legal, staff and administrative costs;*
 - (b) *the threshold situation that constitutes a significant cost to the Town; and*
 - (c) *the various "user pays" schemes for the Town to recover any extraordinary costs from parties undertaking non-compliant or unauthorised development requiring consideration under Clause 34 of the Town of Vincent Town Planning Scheme No.1; and**
- (ii) *receives the report no later than September 2002.*

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Library Board of W.A.

Ward:	-	Date:	2 July 2002
Precinct:	-	File Ref:	ORG0045
Reporting Officer(s):	Manuela McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

That _____..be nominated as WALGA Metropolitan Member – Library Board of W.A.

BACKGROUND:

Please see Appendix 12.1 for details.

NOMINATIONS CLOSE FRIDAY 26 JULY 2002 AT 4.00PM.

13. URGENT BUSINESS

14. CLOSURE